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MURDER, PIRACY AND TREASON

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John Sheppard

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JACK SHEPPARD.

Portrait by Sir John Thornhill. Drawn from life in Newgate.
From a print in the British Museum.

MURDER
PIRACY AND TREASON

*

A SELECTION
OF NOTABLE ENGLISH TRIALS

By
RAYMOND POSTGATE



NEW YORK & BOSTON
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Preface

THIS volume has a double object, which can be explained quite briefly. It is hoped in the first place that the trials will be of interest in themselves. Though they include some of the most famous cases, such as that of Jonathan Wild, Jack Sheppard, William Penn or John Thurtell, this is not a selection of the most famous and important trials of English history. It is probable that it is some time, for example, since the dust was disturbed on the trials of William Roupell or Amy Duny. The trials are those that have some interest in themselves, regardless of their notoriety. There are very many famous trials, like those of the Mannings, Palmer or Crippen, which seem to be merely gloomy or horrible: revolting in themselves and fundamentally without any meaning. On the whole, these trials avoid undue horror: the bloodiest, I think, is Thurtell's, which cannot compare with — say — the Marr Murder.

In the second place, I hope that the trials will give some picture of the social changes in English history. The picture must be very inadequate and incomplete. Still, nothing throws so sharp and vivid a light upon the life of the time as the report of a criminal case: moreover, readers who would not care to read a set history may find this method of presentment more pleasing. The view is from an unexpected angle, but that is not necessarily a defect.

For this reason the trials start with the dim and

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faded record of a trial by combat under Richard II, when feudalism was still a live thing. Then a trial for heresy shows us the tyranny of the Church, and behind it can be heard the grumble of the coming Reformation. A trial follows of a baron who under Queen Mary carried feudal authority and baronial habits a trifle too far. The trials of Baxter, Penn and the witches are intended to show not merely the squalid oppression of the later Stuart regime nearing its fall, but the strange and terrible ignorance upon which it and later the Whig oligarchy subsisted. The Godfrey Trial – the only unsolved mystery – shows us near their origin religious feuds that torment Liverpool and elsewhere to this day. If the trials of Sheppard, the proletarian, and Wild, the capitalist, of the underworld, show nothing of the basis of eighteenth century life, the author has failed in his aim. The trial of Zenger is one of the first episodes of the revolt of the American colonies: Richardson's case deals with what would now be called Problems of Empire. Thurtell's case shows only too clearly the condition of the governing class in English society under George IV: Thistlewood's shows that society held in position. Frost's case shows us the revolt of the workers, Roupell's the functioning of the society against which they fought. With Charles Peace we reach what I may call the 'typical criminal' of capitalism. Nearer to the present day these trials do not go for various reasons, among which is the law of libel.

PREFACE

If, however, this claim for the book is considered baseless, once again may I say that it is hoped that anyhow the trials in themselves will be found amusing.

R. W. P.

A TRIAL BY COMBAT

‘COULD not this trifling case,’ said the magistrate, ‘be settled out of court?’ – ‘That’s what I said,’ replied the plaintiff, ‘but the dirty little rat wouldn’t fight.’ An old story, with an older lineage. The ‘trial by combat’ as a form of procedure was one of the very oldest of English legal devices. It dates from the full vigour of feudalism – indeed, probably almost from the beginning of human society.

★ ★ ★

Five hundred and fifty years ago – to be precise, in the year 1380, under the young King Richard II – there was a famous trial by combat – nearly the last of its kind. Sir John Chandos, a very famous soldier in the reign of King Edward III, had received, for his services in the French wars, the barony of St. Saviour’s in Normandy, where he built St. Saviour’s Castle, an important stronghold which was placed under the command of Thomas Katrington, Esquire. Thomas Katrington, at some date not exactly stated, surrendered the castle to the French.

His action gave great offence to Sir John Annesley, who was heir to the old soldier, now dead. Sir John publicly and repeatedly accused Katrington of having wilfully surrendered to the French, without any just cause, since he was neither short of food nor of the means of defence.

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He declared that Katrington had been bought by the French, and continually sought him out for the purpose of fighting a duel with him. Indeed, so vehement were his attacks, he succeeded in forcing the hands of the authorities and having Katrington arrested. But King Edward was growing old, and John of Gaunt, Duke of Lancaster, had now power to do practically what he chose in London: and he, on the intervention of Lord Latimer, quietly released Katrington. Sir John, who appears to have been a man of considerable influence as well as unceasing energy, made violent protests, but secured no redress for the moment. It was generally believed that the progress of the case was obstructed by certain persons, who were not in the least concerned for Katrington, but who had the very best reasons to object to public inquiries into the circumstances of the recent losses of French castles. The objection was put forward that what occurred in France could not be tried in England, and it was not until the new king, Richard II, had come to the throne, that Sir John Annesley was granted, by forced decision of high military officers unnamed (*coactis iuridicis et senioribus militibus regionis*), his undoubted right to the form of trial he had chosen — a trial by combat. The date, June 7th, 1380, was fixed at the same time, and the lists were prepared at Westminster, under the direction of the Lord High Constable, that Thomas who was then Earl of Buckingham and later Duke of Gloucester. They were prepared

with an exact care that would have satisfied even a modern prizefighter: they were measured, sixty paces by forty, the ground trampled hard and level and every stone removed, and a stout wooden fencing seven feet high erected all round.

Not even the coronation, a year or two before, attracted such great crowds to London as this form of trial, rare and indeed for years almost forgotten. The King, as was necessary, was present, though he was only thirteen years old, to supervise the combat and act, as we should say, as referee. He had the power to have the combatants separated at any time, and to demand a reconciliation. On the day of the trial he sat high upon a sort of grandstand, with the Dukes of Gloucester and Lancaster before him, attended by a great concourse of soldiers and citizens. There entered first, according to law, the challenger, Sir John Annesley, armed fully with defensive armour. The herald then called upon Thomas Katrington to reply to the challenge, and at the third summons Katrington rode up, similarly armed. Being of a careful mind he dismounted outside the lists, because everything that entered the lists became the perquisite of the Lord High Constable. But his frugal mind was defeated, for his horse, excited during the combat, continually thrust its head through the railings, so that the Constable claimed and received it after all.

Both combatants were then brought before the Duke of Lancaster, and the articles of accusation

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read. Katrington, whose behaviour was generally noticed as peculiar, and showing the greatest uneasiness, presumed upon his alleged interest with the Duke to make legal quibbles, for which he was rebuked so sharply as to leave no room for any accusations of favour. Recovering himself, however, Katrington replied that he was prepared to fight Sir John there or anywhere else, and the three offensive weapons prescribed by law – a lance, a sword, and a dagger – were handed to each combatant.

The Constable then required each one to swear on a missal that they possessed no other weapons, nor possessed ‘any Means or Assistances extraordinary, or Magical Stone, Plant, Charm or Character, or any sort of Magical Business by which you expect to gain a more easy Conquest’. After each man had prayed, the Constable stood up and said in a loud voice: ‘*Laissez les aller, et faire leur Avoir au nom de Dieu*’ (‘Let them go and do their task, in God’s name’).

The fight lasted for a ‘fairly long time’, we are told. Sir John was a small man, and his opponent a big man, heavy and strong, whose original uneasiness seemed to have passed away. The fight was extremely exhausting, not only because of their heavy mediæval armour, but because of the heat of the June sun on the lists. They snapped their lances fairly soon, and then turned to sword fighting. These also (it appears) were shivered, and the struggle was carried on with daggers at

close quarters. By this time Katrington was failing visibly: the heat and exhaustion had affected the big man and hardly damaged his opponent. At last Sir John dexterously disarmed him, twisting the dagger out of his hand, and tripped him and flung him full length, thus, to all appearances, assuring his own victory.

The sweat was running down from his forehead into his eyes, and had nearly blinded him. As he flung himself on top of Katrington to finish him off, he slipped and fell sideways, missing his prey altogether. Katrington, half-dead with exhaustion, nevertheless saw what had happened and summoned up enough energy to throw himself on Annesley before he could rise. An uproar arose in the audience, each man's supporters claiming the victory, but before either could strike, King Richard ordered them to be separated.

Katrington was lifted up, but Sir John obstinately refused to move, but lay on the ground, shouting to the King to put Katrington back on top of him, just as he had been, saying that he was in good condition and would easily kill his opponent. Not until the King had positively and repeatedly refused did he consent to get up, and walked firmly and without support, to the foot of the royal seat. Katrington was unable now to stand or walk and had been placed on a chair to recover: he seemed utterly exhausted.

Sir John Annesley, observing his condition, repeated his plea to the King and the Dukes, that

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they would put the two combatants back as they were, himself beneath, and he was sure, he added, of a speedy victory. The King, after a little hesitation, was so impressed by his spirit that he ordered this to be done. But just as he had decided this Katrington in a dead faint fell helplessly out of the chair in which he was seated. Wine and water were thrown into his face, but he did not revive. It was found necessary to strip off all his armour before he came at all to his senses. For this reason, it was now formally proclaimed that Annesley was the victor.

After a short while Katrington recovered his senses, opened his eyes, and began to stare around, in a very ghastly manner, as it seemed to those about him. Hearing of this, Sir John approached him and challenged him to resume the duel, calling him a liar and a traitor. But Katrington 'had neither sense nor spirit to answer' and the fight was declared over and the audience ordered to disperse.

Katrington was taken home to his lodgings and put to bed; he became delirious and grew steadily worse, and without recovering his senses died at nine o'clock the next morning.

THE TRIAL OF A DEAD MAN FOR HERESY, AND
STRANGE THINGS THAT FOLLOWED

THE case of Richard Hunne, involving the trial and conviction of a corpse for heresy, and the implication of the Bishop of London in a plain case of murder, is perhaps the strangest of all cases in English history.

It was in the year 1514, when Henry VIII was on the throne, a good Catholic, 'Defender of the Faith', and Cardinal – then Archbishop – Wolsey was his chief adviser. Richard Hunne was a Catholic too, a merchant tailor of the City, a dealer of good standing and generally respected. It seems that his wife was dead: anyhow, his child was out at nurse in Middlesex, where it died and was buried in the parish of St. Mary Matfellow, in Whitechapel. The Curate of St. Mary's, Thomas Dryfield, claimed the winding sheets of the child as a professional perquisite, or 'mortuary', for the burial. Hunne, regarding this as an imposition, refused, and from this insignificant squabble grew a ghastly history of crime and lying.

The Curate summoned Hunne before the Ecclesiastical Courts, being fairly confident that a cleric would secure judgment there. Hunne, for the same reason, was anxious to remove the case to the civil courts, and took legal advice. It would have been fortunate for him if he had never done so: for, on counsel's advice, he applied for a writ

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of *praemunire* against the Curate and all his accomplices. This act caused considerable alarm and roused against him that most powerful and craft-conscious body, the clergy. Hunne was arguing that the court was, under the statutes of *praemunire*, entirely incompetent to judge an English subject at all, because it sat by authority of the papal legate only. If Hunne's application was successful, not only was a considerable and profitable number of cases removed from the purview of the Ecclesiastical Courts, but many other perquisites and much revenue would be lost. It was determined to make an example of Hunne, and the Bishop of London, Dr. Richard Fitzjames, was the obvious instrument for bringing him sharply and irrecoverably under the sword of the ecclesiastical law. Hunne was charged with heresy, brought before the Bishop and ordered to be imprisoned in the Lollards' Tower, and kept under such close watch that no one could see him or speak to him.

On December 2nd, on the request of Dr. Horsey, the bishop's chancellor, he was brought to Fulham Palace and examined by the Bishop in his chapel. The accusations, preferred by Dr. Horsey, were five: — That he had spoken against tithes, that he had said that Bishops and Priests were Scribes and Pharisees, that he had described them as 'ravening, catching at and taking everything they could get', that he had defended a heretic called Joan Baker whom the Bishop had punished, and finally that he possessed several prohibited English books, 'the

TRIAL OF A DEAD MAN, 1514

Apocalypse in English, also the Epistles and Gospels, Wickliff's damnable works, and other books containing infinite errors'. The proceedings at this trial were private, but in the Court records were found, as an answer by Hunne:

'As for these Articles, I have not spoke the Words as they are set down, nevertheless I have unadvisedly spoke Words somewhat tending that way, for which I am sorry, ask God forgiveness and submit myself unto your Lordship's charitable and favourable Correction.'

It was noticed afterwards, when these things came to be more exactly examined, that though these remarks were supposed to be written by Hunne, they were not in his handwriting.

Hunne was sent back to the Lollards' Tower and was kept under the same conditions of secrecy, until, on December 4th, general distress was caused by the news that he had committed suicide in his cell. John Spalding, the bellringer, who the night before had replaced Charles Joseph, Hunne's usual guardian, had gone down in the morning to the City and had sent the keys by an officer to the boy who habitually took to Hunne his food. The boy, with two of the Bishop's men, entered the room to find Hunne hanging by a silken noose from a staple, with his face to the wall. Horrified, they ran to the Church to tell Dr. Horsey, who satisfied himself of the truth of their tale by inspection and announced that Hunne had hanged himself, which was generally accepted as the case.

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A coroner's inquest, however, had naturally to follow.

In those days a coroner's inquest was expected to inquire, and to take upon itself certain detective work now entrusted to the police. The coroner, William Barnwell, and the twenty-four London citizens who formed his inquest, went on December 5th to Lollards' Tower to see the scene of the death, and to inspect the body, which had not been disturbed. No sooner did they attempt to lift the body down than they discovered (as their verdict and report states) that the silken rope was loose, and not knotted about the staple. Nevertheless, the skin was broken and had fallen in beneath the rope, and Hunne's neck had clearly been broken with some violence. On the other hand, there was little sign of blood about. The means by which Hunne had hanged himself appeared to be clear: a stool placed upon a bolster, which were the only possible things by which a man could have hanged himself in that room. A juror (if the term is allowable) had the curiosity to touch the stool and bolster; he found the latter 'so tickle', as he expressed it, 'that any man might not touch it but it was ready to fall', let alone stand on it to hang himself.

This disquieting discovery was followed by another. Hunne's hands were found to be 'wrung in the wrists, whereby we perceived that his hands had been bound'. When they laid down the poor corpse on the floor they noticed two dreadful

things: one, *not* below where he had been hanging, but some little distance away, the stain of a great pool of blood: the other, that the left side of his jacket was a great clotted mass of blood, and the jacket had been folded over to hide it, a thing that Hunne himself at least never did. Convinced now that it was a case of murder, they took particular notice of the position of the candle, which stood, carefully extinguished, eight feet from the body, 'which candle after our own opinion was never put out by him'. Also they secured proof that, when Dr. Horsey went up first to inspect the body, there had been a rich clerical gown thrown down in the room. After he had been, this valuable piece of evidence was found to have disappeared, and was never seen again.

A rumour of the activity of the inquest by now had reached the Bishop, and he and Dr. Horsey together arranged a counter-move, which was to complete the trial of Hunne for heresy. This extraordinary decision, confused and unwise though it was, had a certain justification. Dr. Horsey calculated that it would practically force the decision of the inquest, on the ground that if it was proved Hunne was a heretic, then it was also proved that he was likely to commit the crime of self-murder, and secondly, that as a heretic was liable to be burned anyway, there was no reason for excessive curiosity into the exact manner of his death. The trial was therefore resumed before the Bishop, and Dr. Head (who for prudence'

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sake took the place of Dr. Horsey) produced a series of accusations against Hunne, based on the preface to the English Bible which he had possessed, for he had the Bible and there was that amount of truth in the accusations. The accusation contained thirteen points which were a summary of reforming doctrine, including a general denunciation of kings, lords and prelates. It accused Hunne also of favouring a translation of the Bible into English, of opposing images as idolatrous, of condemning the University of Oxford, of setting up 'poor and simple men' as better interpreters of the Scriptures than a thousand bishops, and so on. There was — of course — no defence, and the public preacher at Paul's Cross was ordered to announce the conviction and urge all followers of the heretic Hunne to repent and confess to the Lord Bishop of London. A servant of Hunne's was induced to make certain remarks which, though 'not to the purpose', were enough to provide this not too particular court with a justification for a verdict of 'guilty'. So serious had the matter become, and so deeply were the clergy involved, that the Bishops of Durham and Lincoln joined their brother of London on the bench when this verdict was delivered. Richard Hunne's body, in consequence, was burned at Smithfield for heresy on December 20th.

It was believed that no one would dare to take up the cause of a heretic. But this time the clergy had gone too far. The sight of poor Hunne's

body burning infuriated the Londoners. If this – long imprisonment, murder, and burning – was the penalty for suing a cleric perfectly peacefully at law, no one's property or life was safe. The inquest was stimulated to great activity and both the King and several prominent justices took an interest in its proceedings.

The evidence that was laid before them was sufficiently sensational. Charles Joseph, the warder of Hunne, deposed, firstly, that Dr. Horsey forged all the heretical sentiments which were produced at the trial as written by Hunne. Secondly, he confessed that on the night of the murder, he, with John Spalding the bellringer, a man of weak intellect, and Dr. Horsey, entered Hunne's room. Hunne was lying on his bed. Horsey cried, 'Lay hands on the thief,' and they did so, and under the direction of Horsey, and with his aid, killed Hunne. Dr. Horsey himself hung the body up and faked an appearance of suicide.

Julian Little, Charles Joseph's servant-maid, gave evidence supporting this. On the night of Hunne's death, she said (among much other matter of no particular importance) Joseph came home and said to her, 'If thou wilt be sworn to secrecy, I will make a discovery to thee,' to which she agreed; 'so be it neither treason nor felony,' and was sworn on a book. Then he said, 'Julian, I have done away with Richard Hunne.' 'Alas! master,' she answered, 'he was called an honest man.' 'I have put a wire into his nose,' answered

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Joseph brutally, and told her to keep silence.

Charles Joseph had originally attempted to prove an alibi, and brought forward a prostitute who swore he was with her all that night, but Julian Little's evidence, and other evidence (which included Spalding the bellringer's), fixed the guilt firmly on him and, perhaps less surely, on Horsey. The inquest consequently brought in a verdict of murder against Dr. Horsey, the bishop's chancellor, who hid in the Archbishop's palace at Lambeth.

The Bishop had a further move to play. He wrote a most urgent letter to Wolsey, asking that no warrants be issued but that Horsey be quietly examined before the Privy Council, as the Londoners were rotten with heresy and would certainly hang him, with or without evidence. By this time the Hunne case had become a political case of great importance, and all those who were opposed to the Church tyranny were fighting the Bishop – and it was only twenty years later that the Church was overturned, the Pope's power destroyed, and ecclesiastical wealth seized. But Wolsey, who just now became Chancellor and Cardinal, was all-powerful and prevented any action of any kind being taken.

Even in these early days, however, there was one body to which – hesitantly and without confidence – appeal might be made from the decision of a king's favourite. Moreover, the King himself had shown some interest in the case. The matter

was brought before Parliament, which passed two Acts upon the matter. The first restored Richard Hunne's fortune to his heirs, as it had been seized for his heresy. The second validated the jury's verdict and required action to be taken against Horsey. It specifically described the jurors as 'honest men'. The Bishop of London among the Lords had been growing more and more uneasy, and he opposed this Act with most unclerical violence. He cried out that the jurors were 'false and perjured caitiffs' and affirmed that if this Act were passed he would not dare to stay in Fulham, for fear of the heretics. Passed it was, however, and a warrant was at last issued against Dr. Horsey, who still hid in the Archbishop's palace.

But the Cardinal had one card still to play. He persuaded the King that if Dr. Horsey made an appearance at the Bar, then the King would consider that the State authority had been vindicated, and would not pursue the case. So, to the public fury, when Horsey appeared in court, the Attorney-General announced that he did not intend to proceed with the case, and offered no evidence. Horsey was perforce acquitted and escaped as quickly as possible to Exeter; the people of London were baulked of their revenge and left lamenting an open murder that was never punished. In Exeter, Dr. Horsey lived the rest of his life, in peace so far as other men were concerned, though if he was at peace with himself no one can say. For there is some reason to believe that he in his heart regretted

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the murder that loyalty to his church had led him to commit, and it was said that before he killed him he asked Hunne's forgiveness for what he was about to do.

THE TRIAL OF A BARON FOR KILLING HIS NEIGHBOURS

IN 1557 at Westminster Hall, under Queen Mary, there took place a judicial ceremony which fortunately has now been forbidden, but which will serve to show how abominably the law has been used at times against the prisoner. Charles, Lord Stourton, was ordered to be 'pressed' in order to force him to plead to the charge laid against him. It was held in those days that to refuse to plead was an insult to the court, and also there was a muddled idea that, unless the prisoner pleaded 'guilty' or 'not guilty' to the indictment, the case could not go on; and so the courts had recourse to the most outrageous measures against those who for any reason refused to plead. Under Edward III, for example, Cecily Ridgeway of Nottingham was charged in 1347 with the murder of her husband. She refused to plead and the judges ordered her to be shut up, without food or drink, for forty days, intending by this to starve her to death. But 'miraculously and even contrary to nature' as the report says, she came through alive and the amazed judges ordered her release.

As for 'pressing', this vile practice continued till 1772, when it was ordered (with decreased, but still striking, cruelty) that a refusal to plead should automatically cause a verdict of guilty. 'Pressing'

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was applied, for example, to Thomas Spiggot, a highwayman who refused to plead in 1721. He was ordered by the court to be sent to 'a mean room stopped from the light' in prison, to be laid on his back on the bare floor, and his hands and feet stretched and tied to staples. 'Then shall be laid upon his body as much iron and stone as he can bear, and more. And the first day after he shall have three morsels of barley bread, without any drink; and the second day, he shall be allowed to drink as much as he can at three times of the water that is next the prison door, except running water, without any bread, and this shall be his diet until he dies.' The record goes on to say 'he bore three hundred and fifty pounds weight upon his breast half an hour, but fifty more being added, he was unable to endure' and begged to be allowed to plead. 'That favour the court might have denied him, but they suffered humanity to get the better of strict justice.'

To return to Lord Stourton. It was partly his own intemperate rage, and partly the freedom that as a baron of old family he felt he could rightly take that had brought him to Westminster Hall. The Stourtons were, and are, a very old family, whose lands lay at Kilmington, Norton Ferrars and Maiden Bradley on the borders of Wilts and Somerset. William, Lord Stourton, had spent many years, before his death in 1548, with the English armies in France, and the estates had been managed by his agent, William Hartgill.



W.^m SPIGGOT under pressure, in NEWGATE,
for not pleading to his Indictment.

PRESSING.

From the Newgate Calendar.

After his death his son Charles inherited the estates and it was not long before he had quarrelled with the agent.

There were many reasons for this. The seizure of Church lands and wealth by Henry VIII had altered violently the whole social fabric of England. The most wealthy corporations in England had been pillaged, upon inadequate excuses, and their money scattered among the King's favourites. Big fortunes were made suddenly, by the most questionable means. The ranks of the aristocracy were thus being recruited with our present noble families (whose origin is no worse than those who 'came over with the Conqueror'). Hartgill felt that where one enterprising man had risen, another could: also he had as patron for a while the powerful Protector, Somerset. There was reason to believe, in the first place, that Hartgill had systematically defrauded the old lord in his absence, and he certainly was building up a considerable estate. He was continually adding to this estate by robbery and violence practised upon his lesser neighbours: as against Lord Stourton he laid claim to many minor rents and houses which were not his, but which (as the lord believed) he hoped to secure, owing to the absence of title deeds and to confused records, for which he was himself responsible. The quarrel between the two became very bitter, and was brought to a head by a singularly arrogant interference by Hartgill. The old Lord Stourton's relations with women seem to have been

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rather free and easy, and the matter is still singularly obscure because of a doubt as to who was his legal wife. It seems most probable, however, that Lord Charles desired his mother, the lawful Lady Stourton, to execute a deed by which, in the event of her remarrying, she would pay him a large sum of money. We can assume that she was in possession of certain of his father's property which would, unless she remarried, descend to him. Hartgill, with whom as her husband's agent the lady was staying, intervened and succeeded in preventing the bond being signed. Lord Charles 'fell utterly out with him' and left in a great rage.

He had, in fact, decided that it was time to finish with the Hartgill family. On Whit-Sunday he attempted to capture them all. He arrived at Kilmington Church with a large company of 'men with bows and guns', intending to surprise them. Warning was given just in time to the son, John Hartgill, who escaped back to his father's house and collected arms and retainers. Meanwhile William Hartgill and his wife were driven into the church, and 'being old folks' fled with their two or three servants into the tower, where they were protected from the arrows. Then John Hartgill returned, and being 'a tall lusty gentleman' drove Lord Stourton and his attendants away, and reached his father, whom he asked what should be done.

William Hartgill replied, 'Take your horse and ride up to the court and tell the honourable

Council how I am used.' John Hartgill had meat and drink pulled up to the church tower, which was the safest place for his father to stay while he was away, and rode off to London. As soon as he had gone, Stourton returned to the church and Hartgill was besieged in the tower for a whole week, when John Hartgill returned with the High Sheriff of Somerset, who released William Hartgill and brought Lord Stourton up to London, where he was confined to the Fleet prison for a short while.

As soon as he was released he took up the quarrel and pillaged Hartgill's lands for some years, continually plundering both his crops and cattle, until, on the accession of Queen Mary, Hartgill took advantage of her visit to Basing, in Hampshire, to appeal again to the Privy Council. The Council called both parties before it and they appeared to be reconciled. Stourton promised that if the Hartgills would come to his house to 'desire his good will' he would be formally reconciled to them and restore any of their property that he had. When they came, however, six of his men attacked them before they reached the house and beat and stabbed John Hartgill so severely that he was left for dead. Although he recovered, the case was so flagrant that it was brought before the Star Chamber, where Lord Stourton was fined £368 6s. 8d., and confined again to the Fleet. He was released that year under bail for £2,000, to attend to the payment of the fine.

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This happened in the year 1556, under the reign of Queen Mary. It was a good time for a prominent Roman Catholic like Lord Stourton to settle accounts with an upstart like Hartgill, and this last judgment against him he could not forgive. He sent a message to the Hartgills saying that he would pay the fines and come to a general peaceable arrangement if they would meet him. The Hartgills were naturally suspicious, but in the end agreed to meet him at Kilmington Church on Monday, January 11th, 1557. When they arrived there, they were even more disquieted to see that Lord Stourton had about sixty men with him, and was waiting, not in the church but in the Church House, about forty yards away.

William Hartgill approached within twenty yards and said, 'My lord, I see many enemies of mine about your lordship, and therefore I am very much afraid to come any nearer.' Both Stourton and the country gentlemen with him assured the Hartgills that they were in no danger, and as they drew nearer Lord Stourton then said that he had the money due to them with him: would they come inside to receive it? To this William Hartgill replied that he would go inside no building, but keep in the open. Very good then; a table was brought out and set upon the grass, and Lord Stourton placed on it a case and a purse, and the Hartgills came closer.

Then Lord Stourton said that he would pay them all, but first he would find out if they were *true*

men. These two words were the signal. Both the Hartgills were seized and bound and thrown violently into the Church House, where Lord Stourton kept them 'under arrest for felony', as he said. He struck John Hartgill in the face, and finding his wife at the door, kicked her until he had torn her stocking with his spurs, and severely wounded her by a sword-cut in the neck. A little embarrassed by his prisoners (whom he kept without food and drink) he brought two local justices to them at Bonham next day to sign an order committing them to gaol, about which the justices made no difficulty.

As soon as they had gone, Stourton ordered the prisoners to be tied up again, and had them fetched to a close near to Stourton House. Here, about ten at night, Lord Stourton watching from his gallery door, the two helpless prisoners were clubbed to death. When all was over, Stourton's men brought the bodies through the garden to the gallery door. Lord Stourton, holding a candle, led them down the gallery to 'a little place hard by my lord's chamber', which was so dark that one of the roughs fell right into it with William Hartgill's body. The body was heard (it was thought) to groan. 'By God's blood, they are not yet dead,' said Farr, one of the gang, and Lord Stourton ordered the throats of both the Hartgills to be slit, to make sure. One of his retainers expressed sorrow and Stourton jeered at him: 'What, fainthearted knave! Is it any more than the ridding of two

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knives that living were troublesome both to God's law and man's? 'There is no more account to be made of them than the killing of two sheep.' The same night a grave was dug, the bodies thrown in and the earth stamped down.

Though dead, the Hartgills were not without friends, for on the 14th an order was sent by the Privy Council to Lord Stourton to hand over his prisoners to the Sheriff of Somerset. The prisoners could not be found, and Lord Stourton was committed to the Tower, and soon after Sir Anthony Hungerford, the Sheriff, discovered the bodies buried in Stourton House.

Lord Stourton was brought to trial on February 26th at Westminster Hall, and, as has been said, refused to plead. After a long argument the court threatened to have him 'pressed', and then he changed his mind and decided to plead. Being asked what he would plead, he said 'guilty' and 'expressly acknowledged the said felony and murder'. Thus the proceedings were brought to an abrupt end, and he was sentenced to be hanged, with four accomplices.

If he had any hope that a 'Papist Queen' would save a noble Catholic murderer, he was mistaken. He was taken to Salisbury and there hanged on March 6th, with a silken rope instead of a hempen one, which, says an old record, 'must needs have been a mighty comfort to him'. On his monument in Salisbury Cathedral there lay for many years a twisted wire with a noose, symbolic of his death.

TRIAL OF A BARON, 1557

Up till the very end it was believed that Queen Mary would reprieve him, and a hundred and thirty years later local tradition said that a reprieve had been granted, and his son had ridden down to Salisbury with it, but that the Sheriff, an enemy of Stourton's, carefully dodged the son, having him sent on a fool's errand to find him (the Sheriff) at Wilton. And so Lord Stourton was hanged before the reprieve could be delivered. But there is good reason to believe this is no more than a story.

THE TRIAL OF TWO WITCHES

WITCHCRAFT, like alchemy and astrology, has a vast literature of proofs and cases which are now forgotten. There are laboriously argued cases, there are written and reasoned decisions by the most respected judges, there are confessions by the witches themselves, and careful and practical directions for the detection of witches. For some hundreds of years the punishment of witches continued, reaching its climax under the Stuarts, and it was ended (in Scotland at least) not by the lawyers or judges but by public opinion, which, had in some cases to manifest itself very vigorously before the guardians of the law would stop. Surrounded, as they believed; by terrible unseen powers of evil, the lawyers and clergy, and often the laity too, were deceived by the most obvious nonsense from any ill-conditioned child or spiteful servant-girl. The case, for example, of Madame Bourignon of Lille was widely read and translated into English. She was in charge, in 1658, of a religious school or cloister, for young girls, who were kept under a strict discipline and never left the house. She caused a sensation in the town by announcing that all thirty-two of her charges had voluntarily confessed that they were witches, and possessed by the Devil. It appeared that one or two of the girls, about to be whipped for petty thefts, had said that the Devil had made

TRIAL OF TWO WITCHES, 1664

them sin, and in the alarm that this confession caused, had saved their skins. Naturally, as soon as it became known that the way to avoid a severe spanking was simply to say that the Devil had told you to do it, every girl took that way out. Soon there was not one who had not told the shocked Madame Bourignon and the chaplain some monstrous tale. The whole city of Lille was horrified and the citizens, without the least trace of scepticism, pored over the romancings of rather nasty-minded schoolgirls of thirteen and fourteen. The alarm and sensation lasted over a year, and though it was not clear what happened to the 'thirty-two witches' ultimately, they found when they came to trial and wanted to withdraw all their confessions, that they had convinced the townspeople of Lille only too well: one at least was put in prison.

But witches' confessions are not limited to tales by little girls who want to attract attention. There are confessions by grown women, some of which appear to be voluntary, which are very difficult to explain. Alice Huson, of Burton Agnes, confessed to the vicar in 1664: 'Three years I have had to do with a black man on a horse upon the moor: he bid me give myself to him and forsake the Lord: and I promised him I would. He did upon that give me five shillings.' She went on to explain how she had, by the use of the powers granted by the Devil, tormented the daughter of a neighbouring farmer by internal

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pains and had intended to kill her. This confession led to her execution, for the text, *Thou shalt not suffer a witch to live*, was considered to leave the judge no discretion. Indeed, there is far more evidence for witches, for witchcraft, for *incubi* and *succubae*, for the causing of illness by personal intervention of the Devil, than there is (for example) for the contentions of the spiritualists. It was only the realization by the ordinary man that such tales were absurd, and worse than absurd, which caused the stream of evidence to dwindle and in the end cease altogether.

Sir Matthew Hale, whose promotion dated from Commonwealth time, and who was a far different character from the Jeffreyses and Scroggses who disgraced the Bench under the later Charles and James, tried, on March 10th, 1664, at Bury St. Edmunds, two old women of Lowestoft, Amy Duny and Rose Cullender, for bewitching the children of Dorothy Durent, Samuel Pacey, Mary Chandler, and other inhabitants of Lowestoft. Three of the girls who were supposed to be bewitched attended the court, but at the sight of the accused they fell into a fit, real or assumed, and could not give evidence.

Dorothy Durent first witnessed as follows: That seven years before she left her unweaned baby, William Durent, in the charge of Amy Duny, ordering her not to give him the breast. That Amy Duny did so and the child later suffered from fits. That to cure the child she went to Dr. Jacob

of Yarmouth, who was a specialist in curing persons bewitched. This man advised her to hang the child's blanket all day in the chimney-corner, and at night to wrap her child in it. If she saw anything in the blanket she was to take it and throw it in the fire. She did so, and when she looked in the blanket at night, 'there fell from it a great toad, which ran about the floor, and a young man caught the toad and held it in the fire with a pair of tongs: immediately it made a great noise, to which succeeded a flash like gunpowder, followed by a report as great as that of a pistol: and after this the toad was no more seen, neither was its substance perceived to consume in the fire'.

Mrs. Durent then went on to say that next day she was told that Amy Duny had been 'scorched without any fire', that she went to Amy Duny and found her face and the front of her body severely scorched, and asked her how it happened. Mrs. Duny replied that she — Mrs. Durent — was to blame, but she should go on crutches and see her children dead. Two years later her daughter Elizabeth fell into fits and cried that Amy Duny was tormenting her. Amy Duny brought the girl a glass of water when the witness was absent, and two days later the girl died. Moreover, Mrs. Durent added that she now had to walk with crutches, and the witch's curse was thus altogether fulfilled.

The judge elicited a more natural reason for the lameness, but apart from this no attempt was made

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to shake the evidence, as the two old women were undefended. The impression was made worse by the conduct of Elizabeth Pacey, a girl of eleven, who fell into a fit in court: 'she appeared without any symptom of life,' says the record, 'save that her stomach and belly when she drew in her breath would rise to a great height.' Mrs. Duny was made to touch her, and immediately the child recovered and flew at her and scratched her.

The next evidence was given by Samuel Pacey, father of this girl. He stated that he was a Lowestoft fish merchant and on October 10th last he had refused to supply Mrs. Duny with fish, for a reason unstated. Mrs. Duny went away grumbling, and at that very minute his younger daughter Deborah began to scream with pain, saying she had a pricking like pins in her stomach. He then had Amy Duny put in the stocks, because he suspected her of being the cause of the child's illness. Two days later his daughter Elizabeth fell into similar fits. Henceforward they continually suffered from fits, and at the end of each fit they vomited pins and nails, sometimes five times a day, and once produced as many as forty pins. They always said that Amy Duny and Rose Cullender were tormenting them. He would make them read the Bible, but they would fall into a fit when they met the words, *Lord, Jesus or Christ*, because they said Amy Duny forbade them to say those words. But they rejoiced in the words *Devil and Satan*.

Margaret Arnold, of Yarmouth, the children's

aunt, stated that she took care of the children when they were sent to her while ill. She originally believed that 'they were playing tricks', but they continued to throw up pins and nails, and also pointed out to her Amy Duny sitting in the house, and other things which were not there. So that she was now convinced they were bewitched.

Edmund Durent and Diana Bocking, of Lowestoft, deposed to similar fits on the part of their respective children – ascribed this time to Rose Cullender. Susan Chandler described, in unprintable detail, the examination of the person of Rose Cullender to find the 'Devil's mark'. She also said that her daughter had been bewitched, threw up pins, and screamed against Rose Cullender. In all these cases the alleged victims were too ill to attend, or fell into a fit as soon as they saw the prisoners. When either of the prisoners were brought near them, or touched them, they yelled and threw themselves about.

The procedure of the court appears to have been a little irregular, for at this point a distinguished lawyer, Mr. Serjeant Keeling, representing no party, intervened to remark that the crying out against the prisoners by the victims was no evidence, as their imagination, even if they were bewitched, might be leading them to blame the wrong persons. Sir Thomas Brown, a distinguished Norwich doctor, intervened also to say that he believed, on the evidence of certain cases recently heard in Denmark, that these children

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were bewitched. Bewitching consisted of making ordinary diseases much worse by the Devil's aid.

The judge now suggested that a test should be applied to the alleged victims. One of them was taken apart by some gentlemen chosen for this purpose, while she was in a fit, and it was announced in her hearing that Amy Duny was to be brought to touch her. She was blindfolded, and Amy Duny told to approach. But another person, not Mrs. Duny, touched her, and the effect was precisely the same as that of the 'witch's' touch. The gentlemen returned and reported to the court that the whole thing was an imposture.

This breath of common sense 'put the whole court to a stand', as indeed it might well. The prosecution would have collapsed but for the unwarrantable intervention of Mr. Pacey, who protested that his children could not possibly have come to so careful an arrangement with other children to destroy two old women, without reason. The case proceeded, and flimsy though the evidence had been before, it was respectable to the nonsense that the court now listened to.

John Soam swore that 'not long ago' a harvest cart of his wrenched Rose Cullender's window, and she threatened him. This particular cart overturned two or three times this day. They could not get it through a gate, which was not too narrow for it, until they cut down the posts.

Robert Sherringham said he had once damaged Rose Cullender's house with an axle-tree, and she

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cursed him, and since then he had suffered from lice in his clothes, but the lice had gone after he burned two suits.

Anne Sandeswell, a farmer's wife, swore that 'seven or eight years ago' she bought some geese and Amy Duny told her that they would be destroyed if she did not fetch them home, and so it happened. Also Amy Duny, who was her husband's tenant, said that the chimney would fall down unless it was taken care of, and it did, although it was a new one. Finally, she had once a small barrel of fish waiting for her in Lowestoft roads and asked Amy Duny to go with her to fetch it. But Amy Duny refused, and when she asked the boatman for the barrel the sailors told her that it had jumped out of the boat and gone to the Devil.

Here the evidence ended, and the prisoners, poor old women, saying 'nothing material' upon the charge, the judge summed up for the jury. They had two things to inquire into, he observed. Firstly, were these children bewitched? Secondly, did these women bewitch them? As for the existence of witches, he had no doubt of that, for two reasons. In the first place, because the Scriptures said so; in the second, 'because the wisdom of all nations, particularly our own, hath provided laws against witchcraft, which implies their belief of such a crime.'

The jury retired for half an hour and returned a verdict of *Guilty*, being country gentlemen who

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were thoroughly superstitious; and the children immediately recovered. The two old women, protesting their innocence, were executed on March 17th, a Monday.

Sir Matthew Hale, who had obviously been much troubled during the course of the case, privately wrote out an argument, for his own satisfaction, upon the proofs of the existence of witches, with especial reference to the Bury St. Edmunds case. But he abruptly abandoned it, and it remains unfinished to this day, though why is unknown.

PUNISHING THE JURY

IT is commonly said that the trial of William Penn, Quaker and founder of Pennsylvania, is only to be found in a report drawn up by himself. This is not true: another report issued in defence of the court exists, and differs in certain places from Penn's account. Who cares, may examine and compare the two in the British Museum: the account that follows relies entirely on neither.

William Penn was the son of Sir William Penn, Admiral of the Fleet under Cromwell and Charles II, and as such he was a person of distinction. But he became also a Quaker, and though Charles II was too frivolous to be a persecutor, there were two sects that were never tolerated after the days of the Protector — Jews and Quakers. And Penn was not a quiet and submissive man, but a restless agitator, with the loud voice of a street-corner speaker and an infinite capacity for causing a disturbance. On September 1st, 1670, he was brought up at the Old Bailey, upon the excuse usually given for the prosecution of Friends' meetings, that of causing and addressing an unlawful and riotous assembly, in this case on August 14th in Gracechurch Street in the City.

The process of the law was in any case most oppressive to a prisoner. Penn and his fellow-prisoner, William Mead, once a Captain, were required to plead after the indictment was read.

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They asked for a copy of it, but it was refused unless they pled first: so they had to plead 'Not Guilty.' They had no legal assistance. They were brought to the bar again in the afternoon, where they were kept for five hours till quite exhausted, when they were sent back untried to prison. Their case did not come on till the third day. As soon as it began the Lord Mayor and Recorder gave an indication of what might be expected of them. Quakers, as was well known, often objected to removing their hats as a mark of respect. The officer brought these two to the bar uncovered, so the Lord Mayor said: 'Sirrah, who bid you put off their hats? Put on their hats again.' The officer did so and then the Recorder spoke to the prisoners:

RECORDER. Do you know where you are?

PENN. Yes.

RECORDER. Do you know it is the King's Court?

PENN. I know it to be a court and I suppose it to be the King's Court.

RECORDER. Do you know there is respect due to the Court?

PENN. Yes.

RECORDER. Why do you not pay it then?

PENN. I do so.

RECORDER. Why do you not put off your hat then?

PENN. Because I do not believe that to be any respect.

RECORDER. Well, the Court sets forty marks apiece on your heads, as a fine for your contempt of Court.

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PENN. I desire it may be observed that we came into the Court with our hats off, that is, taken off, and if they have been put on since, it was by order from the Bench, and therefore not we but the Bench ought to be fined.

Forty marks was a heavy fine, the mark being in metal value 13s. 4d., in actual purchasing value of course worth much more in our money. After this the jury was sworn, and the evidence of two constables, Cook and Read, taken. They deposed that they had been sent to disperse a meeting in Gracechurch Street, and that they heard Penn speaking at that meeting, though they could not hear what he said. They also saw Captain Mead, as they called him, and one, Read, said that he had been kicked on the shin. There were about four or five hundred there.

A person named Whiting (whose name Penn suppressed or perhaps forgot) also stated that Penn was there and spoke, but that he did not see Mead.

RECORDER. What say you, Mr. Mead, were you there?

MEAD. It is a maxim in your own law, *Nemo tenetur accusare seipsum*, which if it be not true Latin I am sure is true English, *That no man is bound to accuse himself*, and why dost thou offer to ensnare me with such a question? Doth not this show thy malice? Is it like unto a judge, that ought to be counsel for the prisoner at the bar?

RECORDER. Sir, hold your tongue; I did not go about to ensnare you.

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After this Penn – who was subjected to interruption by a man named Sir Richard Brown, who was not even on the bench – said that so far from not wishing to vindicate their assembly ‘to preach, pray, or worship the Eternal Holy Just God’ they declared to the whole world ‘that we do believe it to be our indispensable duty to meet incessantly upon so good an account,’ and asked under what law they were prosecuted. The Recorder replied, the common law. Penn asked that the common law be produced. The Recorder replied that he could not run over the many cases that composed it, just to satisfy Penn. As Penn insisted that if he was to be tried according to law, that law should be produced, the Recorder and prisoner fell into a long and angry argument, the former bullying the latter from the Bench and abusing him freely. The Recorder at last turned to the Lord Mayor, who ordered Penn to be taken into the ‘Bale Dock’; a ‘stinking hole’ some distance from the body of the court: Penn all the while calling to the jury to observe how he was treated, and prevented from making his defence.

William Mead being left alone, opened his defence by saying that the indictment charged him with assembly with force and arms. ‘Time was, when I had freedom to use a carnal weapon, and then I thought I feared no man; but now I fear the living God, and dare not make use thereof, nor hurt any man; nor do I know I demeaned myself as a tumultuous person.’ He turned to the jury,

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and, since the Recorder had refused to give them the law upon unlawful assembly, proceeded to quote from Coke. The Recorder, forgetting he had to deal with an ex-Army officer, mockingly raised his hat and said 'I thank you, sir, for telling me what the law is.' 'Thou mayest put on thy hat,' answered Mead, 'I have never a fee for thee now.' The Court was furious.

MAYOR. An intolerable affront! You deserve to have your tongue cut out.

RECORDER. If you discourse on this manner, I shall take occasion against you.

MEAD. Thou didst promise me I should have fair liberty to be heard. Why may I not have the privilege of an Englishman? I am an Englishman, and you might be ashamed of this dealing.

RECORDER. I look upon you to be an enemy to the laws of England, which ought to be observed and kept: nor are you worthy of such privileges as others have.

MEAD. The Lord is judge between me and thee in this matter.

Then the Recorder ordered him also to be put in the Bale Dock, and proceeded to address the jury, saying to them that they were only competent to decide the matter of fact, whether Penn and Mead had or had not been at the meeting, of which there was sufficient evidence. The prisoners shouted from the Bale Dock that it was illegal to charge the jury in their absence. The Recorder, smiling, but not 'pleased, said, 'You are present: you do

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hear.' Penn complained that he had twelve material points to offer: 'Pull that fellow down, pull him down,' said the Recorder. Mead protested, but the Recorder shouted him down: 'Take them away into the hole; to hear them talk all night as they would, that, I think, doth not besit the honour of the Court: and I think you (the jury) yourselves would be tired out and not have patience to hear them.' The jury then retired to consider their verdict, leaving the prisoners in the hole.

The jury remained away an hour and a half, when eight returned, saying that they could not reach agreement with the other four. The Court sent for the others, and picking on Edward Bushel, known to be a man of independent spirit, and a London trader of some means, the Recorder attempted to bully him, 'Sir, you are the cause of this disturbance: you manifestly show yourself an abettor of faction: I shall set a mark on you.' Sir John Robinson and Sir Thomas Bludworth, two other magistrates, joined in the attack, Sir John alleging that Bushel had 'thrust himself upon this jury.' 'You are an impudent fellow, I will put a mark on you,' said the Lord Mayor, and sent the jury back to consider their verdict. After some considerable time the jury returned and the foreman announced their verdict on Penn as 'Guilty of speaking in Gracechurch Street.' 'You mean, he was speaking to a tumult of people there,' prompted the Lord Mayor, but the foreman refused to add

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anything. The Court at once became a hubbub of confused voices, the jurors arguing among themselves and the magistrates abusing the jury for returning such a verdict. Eventually the Recorder ordered the jury back again to reconsider their verdict.

After about an hour the jury returned and the foreman read a written and signed verdict: 'We the jurors hereafter named do find William Penn to be guilty of speaking or preaching to an assembly met together in Gracechurch Street, the 14th of August last, 1670. And that William Mead is not guilty of the said indictment.'

If the bench had been angry before, they were beside themselves now. 'Will you be led by such a silly fellow as Bushel, an impudent, canting fellow?' shouted the Lord Mayor. 'Gentlemen, you shall not be dismissed,' said the Recorder, 'till we have a verdict that the court will accept; and you shall be locked up without meat, drink, fire and tobacco: you shall not think thus to abuse the court: we will have a verdict by the help of God or you shall starve for it.' Penn at once protested: 'My jury, who are my judges, ought not to be thus menaced: their verdict ought to be free.' 'Stop that prating fellow's mouth,' said the Recorder. The Lord Mayor attempted to argue with the jury that the tumultuous and riotous character of the assembly was proved, and so gave an opportunity for Penn to intervene, to describe the peaceable character of the Quakers, and to appeal to the

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jury not to give way. 'Nor will we ever,' said some of the jurymen as they were led away.

The next morning the Court confidently expected that the jury would have been tamed by a night spent without food, or drink, or the most necessary sanitary conveniences. The Clerk asking them for their verdict, the Foreman replied 'We find William Penn guilty of speaking in Gracechurch Street.' 'To an unlawful assembly,' interposed the Mayor. 'No, my lord,' answered Bushel, 'we give no other verdict.' The Bench stormed at him, losing its dignity altogether. Penn intervened, asking that Mead be released, as a verdict of 'not guilty' had been returned. 'It cannot be a verdict,' said the Recorder, 'because you are indicted for a conspiracy, and one being found guilty and not the other, it could not be a verdict.' 'How! is not guilty no verdict?' 'No, it's no verdict,' replied the Recorder, and ordered the jury back to reconsider their verdict again.

When they came back, again they were asked for their verdict. 'Guilty of speaking in Gracechurch Street,' said the foreman doggedly. The Recorder flew out at Bushel as the centre of the resistance. 'I would slit his nose,' said the Lord Mayor. Penn protested again, 'It is intolerable that my jury should be thus menaced.' 'Stop his mouth,' said the Lord Mayor; 'jailer, bring fetters and stake him to the ground.' The jury and the Recorder argued for a long time: the jury refused to go back, saying they had returned their verdict

and were agreed: the Recorder had them forced back, and in open court commended 'the Spanish Inquisition', saying that something the same was needed in England. The jury was sent back and locked up for another day and night.

They were twelve jaded-looking men next morning, but they made an attempt to return again the verdict that they had written. The Recorder forbade it to be read; whereupon the foreman declared that their verdict for Penn was 'Not guilty' and for Mead 'Not guilty.' The Recorder was completely defeated. Furious though he was, he could not describe this too as 'no verdict.' He made each member of the jury answer his name and give his verdict, but not one of them wavered. Then he said, 'I am sorry, Gentlemen, you have followed your own wilful opinions rather than the good and wholesome advice given you. God keep my life out of your hands. But for this the Court fines you forty marks a man and imprisonment till paid.' Penn then spoke:

PENN. I demand my liberty, being freed by the jury.

MAYOR. No, you are in for your fines.

PENN. Fines! for what?

MAYOR. For contempt of Court.

Penn attempted to argue that the fine was illegal, but he and Mead were hurried out of the court along with the jury. Both prisoners and jury were immediately put into Newgate prison, and that was the end of the trial.

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Fortunately, Mr. Edward Bushel was a man of means as well as of great obstinacy, and in spite of many obstacles and much expense succeeded at last in getting a writ of Habeas Corpus, which reversed the order of the court and relieved the jury of fine or imprisonment. And since then no judge has sent a jury to prison for returning a verdict of which he did not approve, though often enough his attitude has shown that he would dearly have liked to do so.

WHO KILLED SIR EDMONDBURY GODFREY?

HERE is a mystery – perhaps the most famous and disputed mystery in English history. It has been the subject of quite recent and acrimonious dispute. In Mr. Pollock's *Popish Plot* and Mr. Marks' *Who Killed Sir E. B. Godfrey?* and the ensuing controversies, is more than an echo of the savage struggles between those who once were 'great against Popery' and those who defended Holy Mother Church. This study cannot solve it; it will merely state the problem. It will not be an idle task, for from Godfrey's death arose a long history of hatred and crime which rent the British Isles for centuries and is not yet ended. If Godfrey had not been killed, 'Titus Oates' 'plot' would probably have fallen flat. No judicial murders of Catholics would have followed, no revenge and oppression under James II, possibly no Whig revolution of 1688, no Battle of the Boyne and all that that means.

It was in the year 1678. Louis XIV, in this year of the treaty of Nimeguen, was supreme in Europe, and behind French influence could be seen Papal influence. England seemed more and more a satellite of France. The King, Charles II, was believed and, as is known now, truly believed to have a secret understanding with Versailles. In wide circles opposed to the Court it was suspected that Charles was undermining both the Church

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of England and the rights of Parliament, and that French and Papal money and organization were the explanation of the extraordinary foreign policy pursued by this Protestant king.

The English aristocracy, in fact, had landed itself in the tangle reserved for those who attempt to say to a revolution or counter-revolution, 'So far, and no farther.' The first enthusiasm of the Cavalier restoration had passed away and doubt had taken its place. They had been delighted to chase out of office the Commonwealth men, fling the Independent and Presbyterian Divines into the street, and smash the Scottish Covenanters. They enthusiastically restored Bishops and Lords. But now the current of reaction would not be stayed where they had chosen. Behind the Bishops of the Church of England loomed the Cardinals of the Church of Rome: from the restored power of the House of Lords it was but one step to the restored power of the Crown of the Tudors. Charles II was too crafty to give an opportunity for action, and they could not be sure on which side he really was. This at least they knew: that the heir to the throne, the Duke of York (afterwards James II), was a Catholic avowedly, and they were uneasy.

Into this atmosphere was sprung the sensational news of the Popish Plot. Dr. Tongue, an unbalanced Protestant divine, and Dr. Titus Oates, who had been at the Jesuit Colleges of Valladolid and St. Omer; produced a connected revelation of a

vast Jesuit plot. A 'consult', or secret meeting of Jesuits, said Oates, had been held on April 24th, at the White Horse Tavern in the Strand. He himself, as one of them, had been present, though now he had repented. At that meeting the details of the plot had been settled. The murder of the King, so that the Duke of York could take the throne, armed insurrection, an invasion by the French, and the re-establishment of the Roman Catholic Church were decided upon. Oates named five distinguished Catholic peers as participating, and enumerated the chief Jesuits then in England as organizing it, including Lefevre, the Queen's Confessor, and Edward Coleman, previously secretary to the Duchess of York.

Through the intermediary of one Kirby, Oates was able to present a copy of his 'Narrative' to the King on August 13th. The King received the story very coolly and referred him to Lord Treasurer Danby. Danby, after consideration, considered the matter worthy of further investigation, it is true: but on the whole Oates and Tongue had failed to produce in official circles the sensation that they had expected. They looked round for further methods of publicity, and decided that the best would be to swear their informations before a friendly magistrate. Thus, while Oates' examination by the Privy Council continued, his more alarming stories would be sent flying round London.

They selected for their purpose Sir Edmondbury

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Godfrey,¹ J.P. Sir Edmondbury was a coal and timber merchant of fairly comfortable means, whose yard and residence lay in Hartshorn Lane, off the Strand (now approximately Northumberland Street). His tall, slender, dark figure commanded universal respect. He was one of the few magistrates who had not fled from his post during the Plague, but had remained and braved infection in keeping order. For this he had received a knighthood. His zeal and independence had more recently been given an advertisement which recommended him to Tongue and Oates. In May, 1669, wrote Pepys, in his diary, 'one Sir Edmondbury Godfrey, a woodmonger and a justice of the peace, in Westminster, having two days since arrested Sir Alexander Frazier [physician to the King] for about £30 in firing, the bailiffs were apprehended, committed to the porter's lodge, and there, by the King's command, the last night severely whipped; from which the Justice himself very hardly escaped, to such an unusual degree was the King moved therein. But he [Godfrey] lies now in the lodge.' Godfrey, indeed, only got out by a hunger-strike, and was endeared by his action to all opponents of Popery and arbitrary power.

Tongue and Oates, therefore, presented themselves before him, and swore their informations, telling him that they had already placed the matter

¹ He was christened Edmond Berry, but the two names were quickly telescoped and he was universally known, and his name spelt as above.

before the King and the Privy Council. On September 6th Oates swore a brief general information: on the 28th he swore a lengthy deposition, setting out the whole story in full. This at last had the desired effect: by October 1st, records Evelyn, the town was thrown into wild alarm.

The Privy Council also on September 29th sent out to have Edward Coleman, the priest denounced by Oates, arrested. He was not at home, but his house was searched and hidden in the chimney was found a box of correspondence. These turned out, when examined, to consist of letters between Coleman and Father Lachaise – Louis XIV's confessor – and Cardinal Albani, Papal Internuncio. They were of a highly compromising character, but none were later than 1676. Presumably Coleman had been warned and destroyed the others, overlooking this box by error. The letters made it perfectly clear that Coleman had been acting for a long time as an agent in the distribution of French money for the purpose of securing the overthrow of the Church of England and the return of the Church of Rome. 'We have here a mighty work upon our hands,' he had imprudently written, 'no less than the conversion of three kingdoms, and by that perhaps the utter subduing of a pestilent heresy, which has domineered over great part of this Northern world a long time; there were never such hopes of success since the death of our Queen Mary, as now in our days.' The reading of these letters had disastrous effects for

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the Catholics: it seemed wholly to confirm Oates' story, and cool and well-informed persons who had treated him with scepticism began to believe his most elaborate tales.

However this might be in informed circles, those ignorant of the proceedings of the Privy Council were deprived of this impression, and in the absence of any sensational event, excitement had died down. The plot 'was cold in the mouth' said a hostile observer, when a startling event made all doubts impossible.

On the morning of Saturday, October 12th, Sir Edmondbury Godfrey left his house in the morning, at a time which could not afterwards be exactly determined. His clerk, Henry Moor, thought that he seemed reluctant to go: 'he went out of the room' he testified, 'and was going abroad' [out, that is], 'and at the gate, going out of the yard into the lane, he suddenly stopped and turned himself towards this deponent and looked seriously upon him, and in that posture he stood a small time, but turned about and went his way, not speaking to this deponent, and after that time this deponent never saw him alive.'

Sir Edmondbury, indeed, never returned to Hartshorn Lane. He failed, against his custom, to keep a dinner appointment, and when he did not appear that night or Sunday his brothers were alarmed beyond measure. The rumour spread that the Papists had killed him for his zeal in assisting Oates' disclosures. Suspicion was turned to cer-

tainty by the news on Thursday that he had been found dead in a ditch on Primrose Hill, run through with his own sword.

The report had been brought to the White House Tavern — now Chalk Farm Tavern — which was of course then in the country. A party set out headed by a Constable named Brown, and the body was found lying face downwards in the ditch. It was covered with brambles, and the sword which transfixed it was protruding out at the back. Brown was able from his personal knowledge to recognize Sir Edmondbury Godfrey.

At the inquest, which was held next day, the jury was very properly anxious to be assured that it was not a case of suicide. They must have been more than satisfied by the medical evidence, for it was made quite clear that Godfrey did not die by the sword. His chest was a mass of bruises, horribly discoloured: his neck was broken and there were marks showing clearly that he had been strangled with a cloth. The sword thrust had been made after death, for no blood had flowed from it, nor from another wound which was discovered, reaching as deep as one of the ribs. A small quantity of blood and of *serum* had escaped when the sword was withdrawn and again when the body was jarred by the men carrying it to the tavern. That was all.

It was also clear that he had been dead some time. The body was rigid, and signs of decomposition were showing themselves. It should be added here that later evidence of passers-by made it quite

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clear that the body could not have lain on Primrose Hill more than twenty-four hours. Therefore Godfrey was dead when his body was brought there.

The jury returned a verdict to the effect that Godfrey had been strangled by persons unknown.

No more hesitation was possible. Oates' revelations were accepted in their entirety even in official circles. Oates himself was granted a pension and a military guard. A reward of £500 – a great sum in those days – was offered for information concerning the murder of Sir Edmondbury, and this reward, with a pardon, was to be handed even to any of the murderers who would confess.

Such an offer had its effect at once, in bringing on the scene William Bedloe, a man who was to rival Oates in villainy. This person, who described himself as a Captain, went down to Bristol and from there wrote to Mr. Secretary Coventry, stating that he had been concerned in the murder and was prepared to make revelations. He was brought up to London and examined by the Privy Council. He denounced three Jesuits connected with the Queen's Chapel in Somerset House (the Queen was a Catholic, Katharine of Portugal), Lefevre, Pritchard, and Walsh, as having attempted to induce him to put away some one who was 'a great obstacle.' He had failed to keep his appointment, he said, but nevertheless had been shown the dead body of Sir Edmondbury in Somerset House. In an eating house, to which he had been

taken by the constables in charge, Bedloe further recognized a man named Miles Prance, a silversmith, whom he denounced as having been present 'about the body of Sir Edmondbury Godfrey, but he was then in a periwig.' Prance, who had been detained for Popish language on the information of a lodger who had a grievance against him, was put in Newgate and severely ill-treated. In two days he made up his mind to confess.

The story that he told will be given in detail later. It was briefly to the effect that a priest named Gerald, attached to the Venetian Embassy, had induced him to take part in Godfrey's murder. Godfrey was enticed into Somerset House, he said, by Hill, a servant of Dr. Gauden, Chapel Treasurer, who told him a story of a fight that needed stopping. He was murdered in the yard by Green, cushion-layer in the Chapel, with the assistance of Hill, and Berry the porter. The body was taken to a small room used by Hill, two days later to another room, 'towards the garden', and on Wednesday in a sedan-chair to Soho Church, and from there Hill, Green and Gerald took the body astride a horse to Primrose Hill.

Lords Monmouth and Ossory, to test his story, went with Prance to Somerset House. He pointed out at once the bench on which Sir Edmondbury had been killed, and the small room to which the body was taken. He was not able to point out the room 'towards the garden', because, as he explained, it had been dark when the body was

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moved. His attitude and behaviour impressed the two peers, who felt that his story was true. He repeated his story when confronted with Green, Berry and Hill – Gerald could not be found – and despite their denials they were sent to Newgate.

So far, all was plain sailing. But on December 29th Prance secured an audience with the King, and to him and to the Committee of the Lords he recanted and announced that his confession was false. Instantly he was sent back to Newgate. Under the pressure applied to him there, he recanted his recantation and adhered to his original story.

It was not surprising that he was held to it. For by now Oates' plot had become a political weapon of the greatest value. Lord Shaftesbury, the reckless and unscrupulous leader of the Whigs, as they were called two years later, saw that he could checkmate all Charles' plans, end his subservience to France and his plans of personal power, at the same time as the Roman Catholics were crushed by a fierce anti-Papal terror. 'Let the Lord Treasurer cry as loud as he will against Popery,' he said, 'I will cry a note louder.' The judges inclined themselves before the popular rage. A sign of what was in store was given by the first of the Plot trials on November 20th, when William Stayley, a Catholic goldsmith, was sentenced to death and forthwith executed, on an ill-proved charge of having used seditious language.

Edward Coleman's case came up on the 27th, and Protestant alarms were notably endorsed by the reading of his disastrous correspondence. The verdict of 'guilty' was inevitable, and in this case, perhaps this case alone, it was justified. But the summing up of the judge, which was a tirade against Popery, was ominous: and the license permitted to Oates was almost scandalous. Few judges in normal times would have allowed such a remark as this:

MR. OATES. I could give other evidence, but will not, because of other things which are not fit to be known yet.

On December 17th, men named Whitebread, Ireland, Fenwick, Pickering and Grove, all Catholics, were brought to trial on Oates' information on a charge of conspiring to murder the King. They attempted to shake his evidence by proving that he was at St. Omer at the time when he pretended to have been present at the 'consult.' The Court forbade the hearing of such evidence on the ground that it was taken out of England.

There were no acquittals — except one on a technical point, of Whitebread, who was sent back to prison for a new case to be worked up — and when the three unfortunate men, Robert Green, Henry Berry, and Laurence Hill, were brought to trial on a charge of murdering Godfrey on February 10th, 1679, the outlook was dark enough for them. The presiding judge was Lord Chief Justice Scroggs, assisted by other zealous Protestant

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judges. The fame of Sir William Scroggs has been obscured by the greater claims of Jeffreys, who was present at this trial as Recorder of London, but in his day he bid fair to become the most brutal judge who ever occupied the Lord Chief Justiceship. He was cruel and overbearing, oppressive to the prisoner and bullying to his witnesses, and at this time his meagre intelligence was inflamed by religious hatred, and by a belief, constantly expressed in court, that no Papist could be believed on oath or otherwise. The iniquitous Tudor treason law, moreover, deprived the defendants of counsel, and they were forced to depend upon the judge for protection, which he naturally never afforded. When, as in this case, the prisoners were poor men, of little education, their condition was desperate.

After the Attorney-General, at the head of a formidable array of Counsel for the Crown, had opened the case with the usual appeals to religious prejudice, the first evidence was the inevitable Oates, once down at heel and miserable, but now well-fed and insolent. He only deposed, however, to the informations that he had sworn to Godfrey, and also swore that Godfrey 'was in a great fright, and told me he went in fear of his life by the Popish Party.' Godfrey, he said, refused to go about attended by a man, as was usual. These two last points were confirmed by Thomas Robinson, a friend of Godfrey's. And then Prance, the backbone of the prosecution's case, was called.

He stated that Godfrey had been followed on the Saturday morning by three Catholics, Father Gerald, Father Kelly, and Green, into Red Lion Fields and 'those by Holborn.' Earlier in the day, he had been told, Hill or Green had called for Godfrey at his house, but he was not up. About seven o'clock Prance was warned that Godfrey was in St. Clement Danes in the Strand, having been previously in a house nearby, and he came down quickly to Somerset House. Hill stood at the gate waiting for Sir Edmondbury, and as soon as he came past, stopped him, saying there were two men fighting inside. Godfrey, who was reluctant, was ultimately persuaded to come down towards the Water Gate to use his authority as a J.P. to stop them. As soon as he reached the rails Green flung his handkerchief round his neck, tripped him, knelt on him and strangled him. He bruised him severely on the chest. In about a quarter of an hour Prance came down from the gate where he was keeping watch, and by touching Godfrey's legs found he was not dead: Green then twisted Godfrey's head round, breaking his neck. Father Gerald, Green, Hill, Prance, Father Kelly, and Berry the porter carried the corpse into a room of Hill's. On Monday night it was removed into another room in Somerset House, where Prance saw it by the light of a lantern; on Tuesday it was taken back to Hill's room, but as that was occupied, to a room near. (The defence was not competent to probe exactly this curious story of shunting a

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body continually to and fro in the centre of London, in the Queen's palace. It was necessary to square with Bedloe's story, that the body should lie on Monday night in a room in Somerset House, not in the servants' quarters.) On Wednesday the body was moved down to its original room and at midnight placed in a sedan-chair. Berry opened the gate: Green, Father Kelly, Father Gerald and Prance carried the sedan-chair to Soho Church, where Hill met them with a horse. Godfrey's body was forced astride the horse, Hill holding it up, and Green, Hill, Gerald and Kelly went off to Primrose Hill, where they told Prance they deposited the body.

Prance went on to speak of a meeting for merry-making at the Queen's Head, Bow, held by several priests for the purpose of rejoicing over Godfrey's murder. But as none of the defendants were alleged to be present, the incident seems merely to have been dragged in to excite prejudice.

When Prance had completed this story, Hill, who alone of the prisoners had sufficient education to attempt to save his life, tried to have his evidence ruled out on the ground that his previous recantation showed him to be perjured. But Scroggs was not Chief Justice for nothing: 'Yes', he replied eagerly, 'he had accused you on oath and afterwards, you say, he confessed that it was not true. But that confession that it was not true was not upon oath; how then is he guilty of perjury?' Mr. Justice Dolben, on the bench, advised the priso-

ners, 'Try if you can trap him in any question' – good but vain advice to the wretched men, who had not till this minute been allowed to know the evidence against them. Capt. Richardson, keeper of Newgate, then described the scene of Prance's recantation and said that Prance told him he only recanted for fear of the Roman Catholics.

Bedloe was then sworn. His story was to the effect that he was approached by the Jesuits, including Lefevre and Pritchard, who arranged with him to assist in murdering somebody on that Saturday that Godfrey disappeared. He failed to keep the appointment, but Lefevre nevertheless came to see him again and invited him to come to Somerset House the Monday night. There Lefevre showed him Sir Edmondbury's body, in the room described by Prance, and he agreed to help carry it away. Once again he failed to appear at the time fixed.

Had the prisoners been defended by counsel, he would not have failed to point out that, apart from the improbability of Bedloe being trusted with such a secret after his failure, the evidence did not affect the prisoners at all.

Evidence of the finding and condition of the body having been heard, Mrs. Curtis, Godfrey's servant, stated that Green had been to see Godfrey about a fortnight before his death, and that Hill had called on him on the morning of the Saturday and had a long conversation. As she had identified Hill out of a number of prisoners in Newgate

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we here have a piece of genuine reliable evidence – and unless we accept Prance's showing of the scene in Somerset House to the Lords it is the only real piece of evidence up till now. There followed a certain amount of evidence of a trifling character, not worth the space of summarizing.

Hill then called his evidence, such as his wife had been able to gather. It consisted of his fellow-servants, who swore that he did not leave the house on the night when it was alleged that the murder was committed. His witnesses were, naturally, Catholics, and were insulted and jeered at by the court. Mary Tilden, Dr. Gauden's niece and housekeeper, was thus treated, when she deposed that Hill was in to supper:

LORD CH. JUSTICE. Are you a Roman Catholic?

TILDEN. Yes.

LORD CH. JUSTICE. Have you a dispensation to eat suppers on Saturday nights?

MR. RECORDER. I hope you did not keep him company after supper all night?

TILDEN. No, I did not, but he came in to wait at table at supper.

LORD CH. JUSTICE. I thought you had kept fasting on Saturday nights.

MR. JUSTICE JONES. How many dishes of meat had you to supper?

Another was told she was lucky not to be in the dock: others, who proved Hill's movements that night, were dismissed with remarks to the effect that every Papist was permitted to lie by his re-

ligion, for the good of the Church, and so they must not be believed. The whole proceeding is far from pleasant to read; the 'infamous trade of the law and its infamous practitioners' have rarely so deserved their fame as in this wanton baiting of the poor witnesses of poor men, in order to hang three labourers and get a laugh from the gallery. The witnesses for Berry and Green were similarly treated.

Four witnesses were then brought forward which even this Court could not reject: Corporal Collet and Privates Trollop, Wright and Hasket. They were sentinels on guard at Somerset House that Wednesday night when Prance swore the body was taken out in a sedan-chair. They all swore, and they could not be shaken, that no such chair or anything else, had gone out that night.

Then Prance was asked by Mrs. Hill if he had been tortured to make him confess, which he denied. And then is entered the following curious dialogue:

MRS. HILL. Here is another witness, my Lord: Mr. Chevins.

LORD CH. JUSTICE. Well, sir, what say you?

CHEVINS. I have nothing to say but that I heard Mr. Prance deny all.

LORD CH. JUSTICE. Why, he does not deny that now. Well, have you any more?

CHEVINS. We have no more.

It seems very curious that Mr. Chevins' banal remarks should have been introduced. But L'Es-trange, who investigated the matter under James

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II, reveals that Chevins was really Cheffinch, Charles II's personal secretary and pandar, and that he in reality gave a full account of the dramatic scene in which Prance secured audience of the King and fell on his knees before him, saying that his confession was a lie from beginning to end; and, being urged to speak the truth, repeated that as he hoped for salvation he had lied before. It appears, therefore, that Scroggs, who issued an exclusive license to the printer Pawlet, to print the trial, probably also saw that no unedifying evidence was left in. At least it shows that we cannot rely upon the official report for any detail.¹

Long speeches for the prosecution followed and then the Lord Chief Justice summed up. He re-told and emphasized the evidence of Prance and Bedloe, and suggested that the sentinels might have been mistaken, and then burst into a denunciation of the Pope and all Papists. So in a short while the jury returned a verdict of 'guilty', and amid the cheers of the public Scroggs congratulated them, adding, 'If it were the last word I were to speak in this world, I should have pronounced them guilty.' And they were hanged soon after, declaring that they were innocent.

Officially, here the story ended. But since no historian at all now pretends to be satisfied with the verdict, or to believe that the three men were

¹ The *State trials* text is taken direct from Pawlet (see the bibliography). The second '*Chevins*' in the quotation above should probably be '*Mrs. Hill*,' but I have not emended it.

guilty, it is necessary to give the briefest possible account of subsequent events.

The effect of Oates' 'plot' was all that Lord Shaftesbury could desire. Moreover, that same winter, Ralph Montagu, English ambassador in Paris, returned home and flung on the table of the House of Commons full evidence that Charles had been, and was, in the pay of Louis of France. Lord Treasurer Dandy was forced from office and impeached: Shaftesbury himself made Lord President of the Council. King Charles's intrigues and his stealthy progress to absolutism and the Church of Rome were stopped: he was clamped down into the place allocated to him by the Whigs: they had succeeded in saying to the Restoration 'so far, and no farther'. Shaftesbury had gone so far by riding the plot as heavily as possible. He wished to go farther and exclude the Catholic Duke of York (James II) from the succession, replacing him by the Duke of Monmouth. Oates therefore was spurred to greater flights of imagination. Hangings spread from London to the provinces. The aged Lord Stafford was brought from the Tower and executed. Bedloe rose to the peak of audacity in charging the Queen with complicity in a plot to murder the king.

But even the most horrifying plot cannot hold a nation demented for more than a certain space of time. Popular credulity was ending and suspicion and weariness of blood taking its place. Shaftesbury, instead of slackening, pressed ever harder

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on the plot till he drove it to death. Charles waited till he had received fresh aid from Louis, suddenly dissolved Parliament and appealed to the country in 1682. A great wave of Tory sentiment answered; Shaftesbury fled from the country in 1683; Charles became to all purposes absolute, and two years later his place was taken by the Roman Catholic James II.

So rapid a change had immediate effects on the 'plot'. Exposed to the light of reason, Oates' monstrous erection tottered and fell. Oates himself, and other informers, were revealed as men of infamous character, given to disgusting vices. They were severely punished. (Bedloe was beyond the reach of vengeance.) And among other things, a new light was shed on the murder of Sir Edmond-bury Godfrey.

In the first place, Prance recanted once again. Whatever he said, Prance was obviously by now a reckless liar, but this last recantation is supported by independent witness, and is in itself probable. His final statement, as reported by L'Estrange, who now collected evidence in the Tory interest, is to the effect that after his arrest and his denunciation by Bedloe he was sent to the Condemned Hole in Newgate, where he was ill-treated and in terror of his life. Early on Sunday morning 'up comes a person to him wholly unknown, lays down a paper upon a form just by him, and so goes his way. Soon after this comes another with a candle: sets it down and leaves him. By the light of the

candle Prance read the paper.' The paper contained a full account of the alleged invasion plot and a report of Bedloe's evidence. It concluded: 'You had better confess than be hanged.' Prance, in terror, took the hint and the same day asked to be taken to Lord Shaftesbury, to whom he gave the desired evidence. Then contrition overcame him, and he secured audience of the King, where on his knees he retracted and admitted that his whole confession was a lie. Instantly he was taken back to Newgate, constituted again a prisoner on trial for his life and treated with the utmost cruelty. He was left in the bitter cold without warmth, and stapled to the ground; 'roaring with the extremity of his pain'. Other evidence showed that his screams were explained to an inquirer as being those of a woman in labour. His mental distress was such that he was thought by observers to be going insane.

The Dean of Bangor, Dr. Lloyd, was sent to him 'to ease his mind' and also to expound to him discreetly the terribly simple choice: death by adhering to his recantation, life and comfort by denying it. The Dean enforced his argument by a signed royal pardon, which he had with him. 'When the Dean of Bangor went to him on Saturday, he found him almost dead and without a pulse, but at last when his irons were off and he was carried into a warm room, he began to hearken to his pardon and did revive, promising that he would declare all he knew, but first desiring to have his

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pardon completed, and after insisting hereupon, that then he should speak out.'

The Dean of Bangor, who had since become, as clerics will, a Bishop by prudent deference to the opinions of the government of the day, wrote to L'Estrange confirming this. He found Prance, he said, 'stupefied with cold', and, contrary to his public statements at the time, he said he had doubted very much of Prance's truthfulness. (Had he offered this observation six years before, he might have saved three men's lives; but then, he would not have become a Bishop nearly so soon.)

Other evidence showed clearly how Shaftesbury's clique got their evidence. Walters and Bromwell, two men who found the body, were confined in Newgate, one nine weeks and one fourteen days, and repeatedly menaced and offered rewards to confess that they put the body there by arrangement with Papists. Corrall, a coachman, was personally threatened with a murder charge by Shaftesbury, in an effort to make him say he had driven Godfrey's corpse to Primrose Hill in his coach, and was treated with especial harshness in Newgate by Shaftesbury's orders. Mrs. Gibbons, who had offered inopportune evidence, said she was driven into hysterics ('fell into fits') by Shaftesbury's bullying. Then Mrs. Hill swore she had slept in the room where Prance's tale put Godfrey's body, and was supported by other evidence; finally it was observed that Godfrey's

body was rigid and could not have been forced astride a horse.

So the case against Green, Berry, and Hill is wiped out. We are faced once again, as L'Estrange was, with the question, 'Who killed Sir Edmond-bury Godfrey?'

There is no doubt that he met a violent death. Thus there are only four alternatives: firstly, that it was a vulgar murder for robbery's sake; secondly, that he committed suicide; thirdly, that the Catholic faction killed him; fourthly, that the Whig faction killed him. When fantastic solutions have been excluded, these four alone seem to remain.

The fact that the body had all its rings and money untouched disposes of the first suggestion — robbery. The second suggestion, suicide, commended itself to L'Estrange, has been recently revived by a Catholic advocate (Mr. Marks), and was the current sceptical theory at the time. 'Some have been of opinion that he hanged himself,' said the Attorney-General at the trial, 'and his relations, to save his estate, run him through,' a suicide's goods being forfeited. L'Estrange produced, in support of this, evidence to the effect that Michael and Benjamin Godfrey, his brothers, seemed quite unreasonably alarmed at the news of Sir Edmond-bury's disappearance, saying 'we are ruined,' and for a day or two enjoined silence on the household. This is feeble enough, but in endeavouring to show that Godfrey killed himself in order to avoid being

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killed by the Whig faction – that is his case! – L'Estrange stumbled on two pieces of evidence of real importance. The first was that Godfrey anticipated, if not death, at least some disaster, when he left. His clerk's description of his demeanour on going out has been quoted, and the clerk added that before his death Sir Edmondbury was 'under great discontent and disorder many times', and wished that Tongue and Oates 'had never come to him'. Other witnesses also spoke to his depressed manner and tone. Secondly, it was proved that he spent the day before his death in burning large quantities of papers. But these facts, though important, do not prove suicide. Mary Gibbons swore that Godfrey told her that he would be hanged for 'not discovering the plot': but this was pure rubbish to please L'Estrange, for Godfrey knew the plot was before the King, and the form of Mrs. Gibbons' evidence gives one no confidence in her accuracy.

Mr. Marks, to reinforce L'Estrange, has since made a frontal attack on the most serious obstacle to this theory – the medical evidence. Reinforcing himself with a medical expert, he argued that the bruises on the chest and the marks on the neck, and its condition, were to be attributed to 'post-mortem hypostasis.' Sir Edmondbury Godfrey ran himself through with his sword, he said, and the absence of blood in any quantities was due to the fact that the sword remained in the wound. This theory collapses at once when we remember

that there were *two* wounds on the body: one the thrust through to the back in which the sword was found, the other ending on a rib, on which the sword's point had been stopped. Why did no blood come from that wound? No sword was there to stop it. The wound, therefore, must have been made some time after death. Consequently, the suicide theory can only be sustained by some elaborate and wholly unsupported hypothesis to the effect that Sir Edmondbury hanged himself, and his brothers Michael and Benjamin, after hiding the body for a few days, broke its neck, took it out to Primrose Hill and stuck a sword through it – and did all this so cleverly that a Tory inquirer, using all the Crown's resources to substantiate the theory of suicide, could find no trace of it!

Whoever committed the crime, indeed, was far from an expert or clever criminal. As Mr. Pollock points out, with a scandalizing air of expertness, this was a very badly arranged murder. The proper way to murder him was – says Mr. Pollock – to have him waylaid and knocked on the head at night in one of the dirty streets near the Strand, and to steal all his money and rings, so that the crime would be laid to the door of robbers.

If we had evidence of Godfrey's movements on that Saturday we might be able to get nearer a solution. But we can fit nothing together. He was seen going north up St. Martin's Lane. He was also seen in Red Lion Fields. He was later seen coming back to London from Marylebone Pound,

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crossing the fields to Marylebone High Street. And the official account put him about 7 o'clock in St. Clement Danes. All this leads only to another dead end.

Well, then, Sir Edmondbury was killed either by the Whig or the Jesuit faction. A considerable body of support has been found in recent years for the revival of the latter theory. Both Sir John Hall and Mr. Pollock support it and in its favour are cited certain striking facts. It was not till the end of 1680 that the general public was allowed to know that Godfrey, this Protestant martyr, was on intimate terms with Father Coleman, the central figure on the Popish side. At the trial of Lord Stafford then, one Welden (a common friend whose name is also spelt Tilden) stated that on September 28th, the day on which Oates had sworn his long deposition before Godfrey, Godfrey and Coleman met at his house and conferred for a long time. They were reading papers. Idells, the servant, stated that he was sent to fetch Godfrey, with the message that 'one Clarke' wanted to speak with him. Godfrey, knowing the meaning of this message, came at once. Godfrey was thus engaged over a period of time (since they had a password) in some intrigue with Coleman, and, what is more, was almost certainly showing to Coleman Oates' deposition, which enabled Coleman to destroy all his papers and, had he not overlooked the box in the chimney, would probably have saved his life. We need seek no further for an explanation of the

doubts that Godfrey cast on the plot, saying 'Oates is sworn – and perjured' and so forth. Furthermore, the Lords originally sent a Committee to examine Coleman concerning Sir Edmondbury's murder: the report, whatever it may have been, was suppressed, so that we may suspect it was damaging either to the Whig case or to the martyr's reputation, or to both.

To this must be added that it is proved, to reasonable satisfaction, that Hill, a Jesuit emissary, called on Godfrey the morning of his death, and that Godfrey had that very year been in France – Montpellier – where he presumably formed his connection with the French and Catholic Party. Also, Dr. Burnet, the historian, who kept silent at the time, noticed on Godfrey's clothes stains of white wax, such as is used for candles for ceremonial purposes by Catholic priests. If we could prove that these stains were made after death, the case would be settled; but we cannot.

Basing his case upon these revelations, Mr. Pollock produced an elaborate theory, which was to this effect. There was, he points out, a Jesuit consult held in London, on April 24th, at which the advancement of the Roman Catholic religion was undoubtedly discussed. But Oates, who had never been anything but a hanger-on, was quite wrong as to the place where the consult was held. It was not in the White Horse. It was in St. James's Palace, at the Duke of York's. If this secret got out, the Duke was ruined, for it was an

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absolutely illegal act – it was high treason by law – to harbour a meeting of Jesuits. Coleman had let out this secret to Godfrey, accidentally, thinks Mr. Pollock. For that reason, suggests Mr. Pollock, Lefevre, the Queen's confessor, planned and carried out the murder, for it was no longer safe for the Duke to let Godfrey live. As for Prance, he points out, firstly, that Prance was much more lightly punished under James II than any other informer, and that after the revolution of 1688 Prance left the country, and his companion was, of all people, Father Warner, Provincial of the Jesuits. Prance, suggests Mr. Pollock, once he had been trapped by Bedloe, had served a useful purpose to the Church by turning suspicion from the higher-placed persons and securing the sacrifice of common people who would not be missed.

This has certain plausible points. The light sentence on Prance, it is true, can easily be explained: Prance was not a wanton scoundrel like Oates, but only produced his perjuries under overwhelming pressure, and he was a fit subject for leniency. But it is true that it is very odd indeed that Father Warner should have chosen as fellow-traveller a man only less (to all appearances) an enemy and destroyer of Popery than Oates himself. Mr. Pollock's case, however, collapses, as Sir John Hall has pointed out, on two points. Firstly, Lefevre had escaped at the time Prance was supposed to be shielding him. Secondly, the secret that Godfrey is supposed to have been killed for

was no secret. It was divulged, not only by James when king, but in a defence of the Catholics published as early as 1680, at the time of the trial of Lord Stafford, and while the terror was still raging.

Sir John Hall, having disposed of Mr. Pollock, has produced another theory, which also ascribes the crime to Catholic circles. He suggests that things may have gone somewhat as follows:—Godfrey was on intimate terms with Coleman. Coleman was the agency for distributing large French bribes. Godfrey had received such bribes. There is nothing improbable in such a hypothesis, incidentally, for every one was corrupt under the later Stuarts. Algernon Sidney, that most austere republican, accepted French bribes. It is indeed, apart from other questions, highly probable that Godfrey received something for his services. Then, continues Sir John Hall, ‘after Coleman’s arrest, he may have been called on, and have refused, to fulfil some promise or redeem some pledge.’ Then may have followed an altercation, ending in blows, in which Sir Edmondbury was accidentally killed, and his body had to be disposed of in the amateurish manner that it was.

This is not so high flown as Mr. Pollock’s theory, but, apart from the fact that does not claim to be more than a hypothesis, based on no direct evidence, there are certain minor evidences of improbability. Firstly, if any Catholic killed Sir Edmondbury he did infinite injury to his Church and

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ensured dreadful and widespread retribution. If any Catholic did so, he must surely have acted in a moment of unwise fury. But Godfrey's body does not seem to be that of a man killed suddenly by a chance blow in a quarrel. His broken neck, the marks of strangling, and the bruises on his chest suggest far more a strong man who has been set upon by a gang whose intentions were murderous from the beginning. He was probably garrotted, and the marks on his chest may quite well have been caused by some one kneeling on him. Secondly, when on the scaffold Coleman was asked if he knew anything of Godfrey's murder, 'he declared upon the words of a dying man he knew not anything of it', and under such circumstances some weight must be given to his words.

What then?

The old Latin tag, *Is fecit cui prodest*, says that the man who profits by a crime is likely to be its perpetrator. Now Oates and the Whigs profited alone by Godfrey's death. L'Estrange says quite truly that 'the heat of Oates' plot was by this time pretty well cooled', but after the crime '*Who murdered Sir Edmondbury Godfrey?*' was the common refuge of people that were run up to the wall on that controversy.' It was Oates' salvation: it was infinitely profitable to the Whigs: it was, in fine, a crime which they had every inducement to commit, if occasion suggested it to them, and it was not laid to their door.

Sir Edmondbury Godfrey, much to his discom-

fort, had been sought out by Oates as an ardent Protestant J.P. and favoured with his full accusations. Instead of defending the Church of England, he was actually in close relations with Coleman, its arch-enemy, and was betraying to him the whole of the enemy's plans – had laid before him Oates' charges and evidence, which by law he should not have known till he entered court. And London was then a small place, and Godfrey's movements were probably soon known.

Godfrey himself had no easy conscience. He refused to be followed by an attendant to protect him, and, when remonstrated with, produced trifling excuses. His business did not want followers. He burnt a large quantity of compromising papers. Here was a popular Protestant judge, who was in reality betraying his co-religionists. He was troubled by fears of approaching death or disaster. From what quarter did he expect violence? Whom did he fear? The answer seems to impose itself. He might be discovered any moment by Oates and the Whigs, and he need expect no mercy. That Lord Shaftesbury, who, as even J. R. Green admitted, condoned 'the vilest of crimes', was involved in the murder, is not necessarily absolutely impossible, but there is no need to assume any more than the complicity of Oates. Oates possessed every vice but cowardice. He was fully capable, in every one's opinion, of such a crime. He did not lack the hardihood, for when he was brought to trial before Jeffreys, he

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answered insolence with insolence. And it was a genuine Oates – or was it Bedloe? – touch to realize after the crime what excellent profit could be made out of ascribing it to the Papists.¹

Of course, here is only another hypothesis, without direct evidence. But only in this case – of ascribing it to Oates' gang – is the absence of direct evidence easily explicable. We have noticed frequently, in the course of this study, the hand of the law stifling unpleasant evidence and manufacturing desirable evidence. We may be sure that any evidence pointing towards Oates would have been put away, eradicated, annihilated as far as ever lay in the power of human kind.

But there I leave it. It is a hypothesis which explains, I think, Godfrey's actions before death, his fear, and his inability to explain his fear to friends; it squares with his relations with Coleman, and leaves aside the fabrications of Bedloe and Prance. It does not explain, indeed, why Father Warner had so curious a taste in travelling companions. Still, the defeated who fly after a revolution sometimes make strange bedfellows, and Metternich came here with Lola Montez.

¹ Sir James Stephen, says Sir John Hall, used to ascribe the crime to Oates.

A TRIAL BEFORE JUDGE JEFFREYS

IT is very much to be questioned whether, in the case which we are now describing, the judge should not have been rather in the dock than sitting as Lord Chief Justice. George, Lord Jeffreys, has gone down to history as a scoundrel and a brute: but in 1685 he was Lord Chief Justice, much honoured, and a favourite of King James II. He had been promoted first by James's brother, Charles II, who nevertheless would not rely upon him as James did. He disliked him: 'that fellow has more impudence than ten carted whores,' he said. Jeffreys' figure has been somewhat distorted by history: confusing him perhaps with his rival in savagery, Chief Justice Scroggs, men have thought of him as a great butcher-like fellow. On the contrary, he was a handsome, dark man, with a touch of refinement in his slim hands and sallow features. His flattering portrait in the National Gallery shows us a young Welshman of distinction and even charm. But this pleasant expression was reserved for those from whom he hoped for favour or promotion. Upon the bench he was another, almost a demented man. Except hard drinking he had, in a vicious age, few vices: he found in the courts full outlet for every savage propensity. His delight was to torment and annoy the prisoners before him. He was the finest example of that meanest of humorists, the judge who

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jokes over a prisoner's misfortunes. 'It is a cold day for madam to strip, lay it on well and keep her warm!' he said, sentencing some poor draggletail to be whipped for theft. Knowing that he was employed by the authorities to secure convictions where no one else could, he acted most often as an agent of the prosecution, hampering and interfering with the defence, bullying or stopping defendant's witnesses, and so prejudicing the jury's mind that no acquittal was possible. But the most vivid impression carried away by those who suffered under this most scoundrelly judge was not the brutal jests and insults against helpless prisoners, nor the evident delight with which he awarded punishments of wicked savagery, but the face of maniacal rage which he turned upon them, the delicate features distorted into a grinning mask of fury, bushy black eyebrows and eyes which for some reason left upon the beholders a truly dreadful impression of mercilessness and love of torture.

On May 30th, 1685, my lord Jeffreys was in a cheerful mood: he was going to try Richard Baxter, a learned and respected Dissenting minister, for a 'seditious libel' in publishing remarks reflecting upon bishops. He had previously given a sample of his impartiality upon a motion by Baxter's counsel for an adjournment. 'I will not give him a minute's time more to save his life. We have had to do with other sorts of persons, but now we have a saint to deal with; and I know



JUDGE JEFFREYS.

From the portrait in the National Portrait Gallery.

how to deal with saints as well as sinners. Yonder stands Oates in the pillory' — as Oates did at the time — 'and he says he suffers for the truth and so says Baxter: but if Baxter did but stand on the other side of the pillory with him, I would say two of the greatest rogues and rascals in the kingdom stood there.'

A considerable number of counsel had been feed for the defence, and it was believed that, given a fair hearing, acquittal was sure. Opening the case for the defence, Mr. Wallop argued that, firstly, the matter was one for the bishop's court; secondly, that the passages in question obviously referred only to bishops who failed in their duties, not to all bishops. The Lord Chief Justice heard him in silence for a while, and then broke in:

LORD CH. JUSTICE. Mr. Wallop, I observe you are in all these dirty causes; and were it not for you gentlemen of the long robe, who should have more wit and honesty than to support and hold up these factious knaves by the chin, we should not be at the pass we are at.

MR. WALLOP. My lord, I humbly conceive that the passages accused are natural deductions from the text.

LORD CH. JUSTICE. You humbly conceive! and I humbly conceive! Swear him, swear him.

Wallop tried to continue his argument, when Jeffreys flew at him. 'Sometimes you humbly conceive, and sometimes you are very positive,' and told him that unless he knew his duty better, he

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would have to be taught it. Upon that Mr. Wallop sat down, hoping his assistants would have better success in presenting the case. Mr. Rotherham rose. He submitted in his opening remarks, that Baxter's observations clearly applied to the Romish bishops, Jeffreys grumbling that Baxter was an enemy to *all* bishops. Encouraged by the absence of a storm, counsel observed that Baxter had always treated the Anglican bishops with great respect (Jeffreys cracked a joke) and started reading a passage in which Baxter had urged that deference be paid to those truly called to be bishops. Jeffreys roared at him:

'Aye: this is your Presbyterian cant, truly called to be bishops. That is, himself and such rascals called to be bishops of Kidderminster and other such-like places: bishops set apart by such factious, snivelling Presbyterians as himself: a Kidderminster bishop he means, according to the saying of a late learned author: "and every parish shall maintain a tithe-pig Metropolitan".'

Richard Baxter rising to explain, Jeffreys turned on him: 'Richard, Richard, dost thou think that we will hear thee poison the court? Richard, thou art an old fellow, an old knave; thou hast written books enough to load a cart; every one is full of sedition (I might say treason) as an egg is full of meat: hadst thou been whipped out of thy writing trade forty years ago it had been happy. Thou pretendest to be a preacher of the gospel of peace, and thou hast one foot in the grave; it is time for

thee to begin to think what account thou intendest to give; but leave thee to thyself, and I see thou wilt go on as thou hast begun; but by the grace of God I'll look after thee. I know thou hast a mighty party, and I see a great many of the brotherhood in corners, waiting to see what will become of their mighty Don; and a Doctor of the party at your elbow; but by the grace of Almighty God I will crush you all.'

In face of this, Mr. Rotherham felt it wisest to sit down and give way to his junior, Mr. Atwood. Atwood, for the third time, attempted to open the defendant's case, by showing that there was nothing to prove that Baxter's remarks about bishops applied to the bishops of the Church of England. He was about to prove this from the text of the book, when Jeffreys pounced on him:

LORD CH. JUSTICE. You shan't draw me into a conventicle with your annotations, nor your snivelling parson neither.

ATWOOD. My lord, I conceive this to be expressly within Rosewell's case, lately before your lordship.

LORD CH. JUSTICE. You conceive! You conceive amiss: it is not.

ATWOOD. My lord, that I may use the best authority, permit me to repeat your lordship's own words in that case.

LORD CH. JUSTICE. No, you shan't. You need not speak, for you are an author already, though you speak and write impertinently.

ATWOOD. I cannot help that, my lord, if my

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talent be no better, but it is my duty to do my best for my clients.

Jeffreys then told him that his writings were disloyal and contemptible, and counsel and judge engaged in an angry quarrel over the character of the former's writings. Jeffreys, again losing his temper, repeatedly ordered Atwood to sit down; but the insults to his ability as an author had enraged Atwood, and he refused to sit down, saying he had further points of law to put forward. Jeffreys at last gave way, and sat in an attitude of marked disdain until Atwood had ended. 'Well, you have had your say,' he said. Two junior counsel remained for Baxter, but they judged it wise to make no attempt to speak: when Baxter himself rose, Jeffreys refused to hear him.

In summing up for the jury, Jeffreys was careful to rouse political passion, and represented Baxter as of the party that had executed Charles I. 'It is notoriously known,' he said, 'there has been a design to ruin the king and nation; the old game has been renewed, and this is the main incendiary. He is as modest now as can be; but, time was when no man was so ready at *Bind your kings in chains and your nobles in fetters of iron*, and *To your tents, O Israel!* Gentlemen, for God's sake don't let us be gulled twice in an age.' His concluding charge to the jury was: That if they believed Baxter meant the bishops and clergy of England in the passages to which the indictment referred, they must find him guilty, 'and he could mean no men else';

otherwise, not guilty. Baxter protested: 'Does your lordship think any jury will pretend to pass a verdict upon me upon such a trial?' 'I'll warrant you, Mr. Baxter,' chuckled Jeffreys; 'don't you trouble yourself about that.' And sure enough, without leaving the box the jury returned a verdict of guilty.

When Baxter was brought up for sentence, which was not till June 29th, he was fined £500, bound over for seven years and sent to prison till he paid. This was a fairly light sentence, as sentences went then, for King James was annoyed at the course of the trial, which had done him no good. Soon after, Baxter was granted a pardon, and lived to see his oppressor overthrown by the revolution of 1688.

As for Judge Jeffreys, he was sent the same year down into the West of England, to punish those who took part in the Duke of Monmouth's rising. Here he so distinguished himself by his wit at the prisoners' expense, and a laughable device by which he induced seventy to plead guilty on a promise of mercy and then hanged them, and the wholesale executions which he ordered where sufficient bribes were not provided, that his tour received the name of the Bloody Assize. But soon after, King James was expelled in favour of King William, and Jeffreys attempted to fly from any revenge. He was detected by a London man whom he had once sentenced and who could never forget that terrible face, he was narrowly saved from the fury of the citizens, and died in great agony before he could be brought to trial.

JACK SHEPPARD

JACK seems to be an unlucky name: all the most famous criminals were named Jack. There was Sixteen-Strings Jack, the highwayman John Rann, whose name came from the fancifully adorned boots he wore. There was 'Hellfire Jack, the noted horse-stealer.' There was the crazy fiend Jack the Ripper. There was Three-fingered Jack, the escaped negro who from 1780 held the Jamaica planters to ransom. There was Spring-heeled Jack, the London Monster, an unexplained phenomenon. (He, or it, was an apparition that for some months tormented women crossing Blackheath or other open spaces around London at night. Some said he had a head like a dragon, breathed fire, and stole their money: others that he was dressed in the uniform of an Austrian Colonel of Hussars, and embraced them. After causing trouble for some months, Spring-heeled Jack disappeared.) But the most famous of all was Jack Sheppard.

Sheppard has been the subject of many novels, novelettes and penny dreadfuls: he is the centre of a considerable growth of legend, and has been called the errand boy's hero. He may well be, for Sheppard, who was only twenty-two when he was hung, was a typical Cockney boy, with white face and sharp features, dark and lively eyes, small head, short and lean body, and as agile as a cat: many Jack Sheppards can be seen any day on

London vans or in London offices. Nor need the errand boy be ashamed of his hero: Sheppard was as good-natured and likeable a lad as ever trod on air: any of us can keep him a corner in our respectable and timid hearts.

He was born in Stepney or in Spitalfields, in 1702, the son of a steady and fairly comfortable journeyman carpenter. He was apprenticed in 1717 to Owen Wood, a carpenter working for W. Kneebone, a well-to-do draper and merchant. He had been fairly well educated for the times; he could read and write and do arithmetic, and Mr. Kneebone helped him by teaching him to keep accounts. He was a well-behaved boy, if a little riotous, until he got in the company of Joseph Hind, a button mould maker who kept the Black Lion in Drury Lane. Hind taught him to drink and introduced him to Elizabeth Lyon, who as 'Edgworth Bess' has still a little fame. She is not to be judged by the story book accounts of her: she handed over Jack Sheppard to Jonathan Wild in the end, and her character was briefly sketched by her betrayed lover in his last words: 'A more wicked, deceitful and lascivious wretch there is not living in England. She has proved my bane. God forgive her: I do.' He also later had a second mistress, a humbler lady who answered to the name of The Maggot, or Poll Maggot, and little is known of her.

From Hind and Edgworth Bess he learnt to steal, first pilfering in a small way and then more

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extensively, until his master, Wood, became suspicious, when he broke his indentures and went with Bess to live at Parson's Green. Once free, he entered gaily on a full career of robbery and 'the highway.' His chief confederate was one of Jonathan Wild's men, Blueskin, a very famous thief of his day. Sheppard privately thought him a mass of flesh and bone without much sense or courage, whose only exploit was cutting Jonathan Wild's throat. Jack Sheppard himself was classed as one of Jonathan Wild's retainers, and he admits that he attended twice 'at his Levee,' but he denies that he was ever regularly in his service. He sold most of his booty not to Wild but to a creature called Will Field, who acted as a fence in a small way.

Most of his burglaries were of London shops: they present no features of interest to-day. His only adventure as a highwayman was when he and Blueskin held up an attorney named Pargiter on the Hampstead road, rolled him in the ditch and took his money. They got clear away and the mistaken attorney prosecuted for the crime two soldiers named Brightwell, paragons who would have adorned any Sunday school, for they never smoked nor got drunk, let alone committed more serious offences, but spent their leisure in reading Greek and Latin classics in the original tongues, and, in the opinion of the regimental chaplain, were perfect examples of every virtue that can ennoble human nature.

Very quickly Bess got into trouble, and Jack had his first conflict with the authorities. Bess was captured with a considerable amount of stolen plate upon her, and taken to the St. Giles' Roundhouse. Jack came round the same evening, engaged the beadle in charge in conversation, knocked him silly with a sudden blow, took the keys from his waist, let her out, and went off with her in triumph. The three of them – for his brother Tom had joined him now – resumed their profitable life of theft. But brother Tom was a sailor, and little good at the game, and soon saw the inside of Newgate. He had fewer scruples than his brother, and at once turned King's evidence against Jack and Bess. Jack kept out of the way for some days, until one day a man called Sykes, better known as Hell-and-fury, invited him to play at skittles in a Seven Dials public-house, saying that he would easily find a fourth man there. And so he did, but the fourth man was the St. Giles' Parish Constable, who carried Jack off to the Roundhouse.

He was confined in the upper part of the Roundhouse, two stories from the ground, and with no tool but an old razor. He pulled the mattress out into the middle of the room, to ensure quiet, and began to cut away at the roof. Rubbish fell down freely into the room, but silently, and Jack would have got away easily if it had not been for an accident. A loosened tile fell outside and hit a passer-by on the head, who knocked up the

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Roundhouse officials and collected a crowd which shouted that the prisoners were escaping. Jack saw there was no time to be lost and made a sudden push against the rickety roof and sent a load of tiles and bricks down on the heads of the watchers. Before the summoned assistance could come he was out on the roof, into the churchyard, over its wall, and mingled in the crowd, joining in the cries of 'I see his head! There he goes, behind the chimney!'

But he was caught again on Whit-Monday, picking pockets, and carried to St. Ann's Roundhouse, and when Edgworth Bess came to visit him she was arrested on suspicion too. They were both brought before an examining magistrate, whose intention appeared to be to commit them both to Newgate, the most formidable prison of London. Sheppard, who had up to now had only to deal with Roundhouses, became alarmed, and offered to make extensive confessions about his and other robberies. On that understanding the judge sent him to the New Prison for the night, but he was put in the strongest cell in the building, the Newgate Ward.

Sheppard had no intention of fulfilling his promise, but to escape was not so easy. New Prison was not a Roundhouse. His difficulties were increased by the fact that Bess Lyon, as his wife, was in the cell with him, and she could not follow him in some of the feats of his agile body. During the night he managed to loosen and remove two

bars from the window of his cell, one of iron and one, oddly enough, of wood. He also made, with the blankets, a ladder with which to descend the 25 feet into the courtyard. This was well enough for him, but women's clothes were not then so made as to allow of much activity. Bess could not even get through the aperture between the bars, so he made her strip, and despite the night air climb down into the courtyard as God made her. When they were both down and dressed they were still not free, because the prison was surrounded by a high wall, the wall of Bridewell Yard. How he got her over that is a mystery – apparently, the angle of the Great Gate to the wall had something to do with it – but get her out he did.

He was now getting a reputation as a prison-breaker, but Newgate, the toughest nut of all, was to come. Sheppard was exceedingly careless of being captured, and was at the same time unwise enough to be on bad terms with Jonathan Wild. So it happened that Sheppard and Blueskin appeared in the dock at the Old Bailey Sessions of August, 1724, charged with robbery from his old master Kneebone. Mr. Kneebone described the manner of the robbery, and stated that Sheppard had confessed to him, with real contrition, while in prison. Jonathan Wild, who practically conducted the case, deposed that Kneebone had come to him, as a thief-taker, to open inquiries about the matter, that he suspected Sheppard, Blueskin, and Field, and that Field agreed to turn King's evi-

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dence. Field deposed that Sheppard and Blueskin proposed to him to rob Kneebone's shop, which they did. (Sheppard afterwards stated that Field lied, and that he had nothing to do with the robbery, but only acted as fence, not having the courage to steal himself.) The jury found both guilty, the sentence, according to the savage law then, was 'Death', and Sheppard was sent to the 'Condemned Hole' (really 'Hold') in Newgate to await the slow arrival of the 'Dead Warrant.'

Newgate, with the Bridewell and the Fleet Prison, has gone, and no one need regret it. Old Newgate (it was rebuilt in 1770) was a building very different from our modern prisons. A jail to-day is a different kind of hell, more cleanly and organized. Apart from certain disgusting sanitary arrangements there is no trace of Newgate filth or disorder. The convict is confined in a whitewashed cell that he must keep clean: he must wear regulation clothes, eat regulation food, keep regulation hours, do regulation work and read a regulation Bible. The essential cruelty of modern imprisonment is neither brutality nor violence: it is inhumanity. Solitary confinement (from which in practice it is nearly indistinguishable) is in any case a mental torture, and this torture is aggravated, as though the convict were a vivisector's specimen, by the exact, unvarying monotony of every event the year round. Things are so arranged that even the warders turn to the convicts always the face of a machine: they cannot ever be anything but official. Such a regime,

aggravated by steady underfeeding, cannot but have its effect upon the mind: few go mad but nearly all sink gradually into apathy and decay, declining in time into the feeble-mindedness and feckless lack of will power which brings the criminal back again and again to prison.

Newgate was an outrage on civilization, but it was not a soulless machine. There was a touch of humanity about its terrors. It was more of a castle than a prison. It relied, not upon internal organization, of which there was practically none, but upon huge and thick walls, elaborate doors and barriers within barriers. Sanitary organization did not exist, nor ventilation until 1750. The filth and crowding gave rise to a dreaded disease called the 'jail distemper' which was endemic in Newgate, and slew guilty and innocent every year. The distemper was regarded complacently as a necessary evil until in 1750 it swept out from Newgate and came as avenger to Court with the prisoners. In that year it rid the world of several judges, some jurymen, many court officers and a Lord Mayor; and then some steps were taken to deal with it. For those in Newgate who had money, life could be riotous. They could get their own food and drink, they could see their friends, and gain all sorts of perquisites by consent of the warders and turnkeys. Without money, you were likely to die of jail-fever, brought on by ill-nourishment. But with it, you could have a gay life, as you were pretty likely to have a short one.

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Men and women were mingled together, and the state of discipline is shown by a case in the Old Bailey records in which a woman confined in Newgate prosecuted a fellow-prisoner for rape while in the prison. It was explained that the turnkey acted as pandar for women in need of money, but it was denied that the woman in this case had been ravished: she was said to be perfectly willing. The court did not seem scandalized: the turnkey's business was only to keep the prisoners inside Newgate walls, and what happened within the prison was a matter of minor importance.

There were a few pious foundations intended to alleviate the prisoners' lot, but for the condemned the alleviations were practically limited to the exhortations of the Ordinary (as the Chaplain was called) and of St. Sepulchre's bellman. These latter, by the intention of the founder of the charity, should have been consolations from the mouth of the vicar of St. Sepulchre's. The bequest provided for the vicar himself to toll the bell and visit the condemned, putting them in mind of their pending fate. But there was no one to watch him and the custom had degenerated into a man with a bell passing before the Condemned Hole, announcing the time and reciting this doggerel:

'All ye that in the Condemned Hole do lie,
Prepare you, for to-morrow you shall die.
Watch all and pray, the hour is drawing near,
That you before the Almighty must appear.

Examine well yourselves, in time repent,
That you may not to eternal flames be sent;
And when St. Pulcher's bell to-morrow tolls,
The Lord above have mercy on your souls.
Past twelve o'clock!

The Condemned Hole, in which Sheppard lay, was for greater safety in the Lodge itself of Newgate. It was a dark and horrible underground cell, overfull with wretched men waiting to go to Tyburn. A dark passage, ending in steps, led down to it, and prisoners were permitted to go along the passage to speak to their friends. But the passage ended in a heavy locked door, with spikes at the top, and the prisoner could only just crane his head over between the spikes to talk to his friends.

Now Sheppard had been given a file by a man named Davis, before the latter went to his death, and quietly sawed away at one of the spikes until it could be broken by one wrench. On the day fixed for his execution, Edgworth Bess and a number of his friends came to condole with him for the last time. They clustered round the entrance to the passage while the keepers drank in the lodge. Jack snapped off the spike. A fellow-prisoner hoisted from behind, Bess pulled from in front, and in the end Jack was over. The party said tearful good-byes and slipped away, Jack safely in the middle.

When the escape was discovered, even slovenly Newgate was stung to action, and special runners were sent out after Sheppard. They could not find

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him for a while, because he had gone up to Warden in Northamptonshire with a friend named William Page; but soon he had to return, and various swift and adroit burglaries showed Sheppard was about again. The chase became very hot, and Sheppard withdrew for a moment to Finchley, then in the fields. Somebody – probably Bess, jealous of a new mistress – betrayed him to Austin, the chief of the defeated Turnkeys, and he was brought back to Newgate.

There was to be no mistake this time. He was put in the strongest room, called the Castle. His legs were chained together, he was loaded with heavy irons and stapled down to the floor. He was watched all day and locked in at nights. During the day, to revenge themselves for their humiliation, the turnkeys showed him, like a wild animal, to visitors. Sheppard indeed seemed moved by his misfortunes, and with doleful face read continually in his Bible. One day one of his keepers thought to turn over the leaves of this Bible and a small file immediately fell out and was confiscated. Four days later a keeper passed his hand over the seat of the rush-bottom chair on which Sheppard sat. He found two files, a chisel and a hammer in it. After this, there were no more tools left to him: nevertheless, the keepers discovered one morning clear evidence that he had been moving about the room. How had he done it? He had found that within the circle allowed him by his chain, there was a loose nail in the floor. He extracted it, bent

it, and picked the lock of his padlock with it. Astounded at this, the turnkeys put handcuffs on him, while he wept freely, seeing (as they thought) his last chance gone. And though he could slip out of the handcuffs perfectly easily, the Old Bailey Sessions were approaching, which meant that though the keepers would be too busy to watch him closely, the Dead Warrant might arrive any day. He must escape. But he was stapled to the floor, ironed, handcuffed, chained by the legs, without tools, in the centre of the prison in the strongest cell. Austin, his chief warder, fed him with his dinner because he could not use his hands.

On October 16th, in the morning, Austin unlocked the door, and stood struck still with the sick terror of a man who sees the impossible. There was about half a cartload of bricks and mortar on the floor. There was no Sheppard. If the town had laughed at Austin before, what would it do now?

What happened was this. After Austin had gone the afternoon before, Sheppard slipped off his handcuffs, and then by main force — he was extraordinarily muscular — snapped one of the links in the chain binding his legs. He pulled the severed fetters up to his calves, to stop them clanking, and the broken link at last gave him something with a cutting edge.

There was only one place by which he could get out safely. To try to open the door was like walking into the turnkey's arms. So, with a broken half-link in each hand, he attacked the wall at a

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point where he had surveyed it before and knew there was a chimney. Gradually he moved bricks and mortar – praise heaven, the walls were thick and he could not be heard – and uncovered a magnificent find – an iron bar two and a half feet long, and an inch thick. When he had loosened this, all was well. He increased the hole in the chimney, clambered up it and broke into the room above.

His luck was out. He did not know his way about Newgate too well, and he had climbed out of one stronghold into another. He was in the Red Room, which had been used for the Preston rebels and had not been opened for seven years. But now he had a weapon Jack was more confident. He prised up the plate that covered the lock, and laid bare the clumsy mechanism, which he easily worked, and the door swung silently open. He found he had gained perhaps three steps: in front of him was the door into the chapel, bolted on the other side. He had to break away the wall in order to get his hand round to the bolt; the work was noisy and he was near the debtors' section. He was 'very fearful' he says, but he got through into the chapel, climbed over the iron spikes dividing off the prisoners' section in it, snapping off one of them as a useful weapon. He opened the chapel door on the inside and found himself on the way to the leads, which turned out to be the most difficult passage of all. One door he treated as he had done the door of the Red Room, only to find another beyond it, with a very strong lock, which

resisted his efforts. It was pitch dark by now and he nearly despaired: however, with a nail and his spike he opened the door after half an hour, only to find another beyond it.

This one he attacked in vain as he had done the door of the Red Room: in the end he had to dig it away from the doorpost and get through that way. There was one door beyond, bolted on the inside: it presented no difficulties, and he was out on the leads.

Down in the streets the shops were lighted, and people passing to and fro. He had his fetters on: moreover, the drop was heavy, even on to the house roofs near. He did not see how he could do it, so he coolly went all the way back to his original cell and fetched his blanket, which he pinned out to the wall of Newgate with his spike and let himself down on to the roof of a nearby house, occupied by a turner.

The garret door leading from the roof was open – his first piece of good luck. He crept softly down the stairs, but as he passed by a room where there seemed to be company, his fetters clanked. Somebody asked ‘What’s that?’ and was answered ‘Probably the dog.’ Sheppard crept upstairs again and, absolutely exhausted, lay down in the garret till eleven o’clock at night, when the company left, and soon after he slipped out into the street. It was dark, and no one was about, so despite his fetters, he walked through Holborn safely to Tottenham Court – in the country then, of course – and slept

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in the fields. He had plenty of money, which he had secured by selling his dying confession in advance to an enterprising publisher, but he dared not go about in the day with his fetters. In the end he saw a poor man, a shoe-maker, to whom he promised £1 if he would get him some blacksmith's tool, pretending that he was a young man who had escaped from the Bridewell, where he had been put for failing to maintain a bastard. The man agreed, and Sheppard was free.

Reckless as ever, he went straight back to Charing Cross and had a hearty dinner off roast veal. For over a week he wandered about his old haunts from Drury Lane to Spitalfields. He comfortably burgled a pawnbroker's shop in the former street, by pretending to be a large gang, and shouting orders to himself, so that the two owners and their assistants lay still in bed, quaking with terror. On the last day of October, he visited his mother, and ignored her entreaties to leave England. He drank heavily all day and at night was riotous and noisy. In the end a boy was found to go and warn the turnkeys, who captured him while he was helpless.

This time he made no escape. The death warrant duly came through and he stood waiting for the cart. In his pocket he had a sharp pocket knife. He proposed to lean forward while in the cart, as if overcome with sorrow, and cut the rope that bound his wrists. Then, at the Holborn Turnstile, where the streets were too narrow for the officers to follow him on horseback, he would leap

JACK SHEPPARD, 1724

suddenly out and trust to his popularity with all London to get away.

But just as he was stepping on to the cart, an officer felt his pockets and cut himself on the knife, which he took away. So they took Jack Sheppard to Tyburn, in his twenty-third year, and hanged him for stealing cloth. 'He died with great difficulty and much pitied by the mob,' says the *Tyburn Chronicle*.

JONATHAN WILD THE GREAT

JONATHAN WILD the Great. Such was the title Henry Fielding, the magistrate and novelist, gave a man who was certainly the ablest and coolest scoundrel of his day—a true master-criminal after the imagination of the detective-novelists; who organized and disciplined all the thieves, murderers and robbers in London into a body far more effective than the police of that day.

This ingenious but far from lovable man was, it appears, born in Wolverhampton in 1682, and trained as a journeyman bucklemaker. His early life is little known, and indeed of little interest, until at a date unrecorded he came to London, ran into debt and was put in prison, where he stayed for four years. In the same prison was a prostitute called Mary Milliner, with whom he lived when he came out.

There have been criminals, like Richardson the pirate, who took up that career through amiable fecklessness as much as anything else. There have been criminals, like Lord Stourton or Lord Jeffreys, who were such because of their violent bull-like emotions and their inability or lack of desire to control them. There have been weaklings driven to desperation like Thurtell, and cold ambitious fiends like Palmer. But Jonathan Wild and Charles Peace were perhaps the only two to see in crime no adventure but an economical and

orderly livelihood. Wild perceived that by careful attention to detail, calm and sober organization, and strict concentration on business, the profession of robbery might be made the source of a regular and satisfactory income. Little, spare and neat, he carried on his occupation in the appearance and with the spirit of a sober businessman, and in time had all the thieves of London in his service.

He saw, while in prison, that the condition of London's underworld provided magnificent opportunities for the commercial mind, which is the source of all progress. Thief-catching, or the prevention of crime, simply was not organized. There were the ridiculous watchmen, satirized in every description: old, very few, and of no use against a serious gang of burglars. For the rest, crime was not prevented, even in theory. If you were robbed or assaulted, you were to make your complaint, and then the City Marshal's men, or the Bow Street runners, would arrest the delinquent, if they could find him. On the other hand, authority attempted to make up for the deficiency of police by the savagery of the law. Transportation was the penalty for any theft: death if the article stolen was of more than trifling value. In short, the criminal was rarely caught; if he was, he was usually killed.

Wild — a fine mind born out of due time, who two centuries later would have been properly honoured in financial circles — saw here an opportunity for

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an elaborate and profitable organization, as follows. He would first attach himself in a small way as a thief-taker, or 'coppers' nark' as later slang called it, and become acquainted with the police officers and get in with them. Then he could build up his great double-sided business. On the one hand, publicly, he was a thief-taker, in league with the City Marshal; on the other, he was head and organizer of all the crooks of the metropolis. He realized that if only they could be made to work together, the thieves of London would be irresistible. They were only hemmed in and kept under by their disorganization. If they could be united, London was a vast plunder-ground that seemed without limits. Moreover, if he could once get a good section of London's criminals under his control, the law itself would be kind enough to see that there was never any mutiny or resistance. At the first signs of disobedience, or of keeping back any of the swag, Wild would have merely to tell his friend the City Marshal where the rebel could be found, provide the necessary evidence from abundant material, and Tyburn Tree would end the matter. In the matter of disposing of the booty also Wild's peculiar genius showed itself. He would re-sell it to the owners. He would set up – as a known ally of the City Marshal – an office for the recovery of stolen property, where owners would deposit complaints, and in due course he would do his best to recover the property ('no questions

asked') and sell it to them at perhaps half the value. An excellent device! He made sure of no legal proceedings. He got money in return for bulky goods very difficult to dispose of. He achieved the reputation of a public servant. Moreover, he had an exact inventory of what they had lost provided him by his victims, so that if his agents dared to keep anything for themselves, he discovered it at once.

This, however, was all in the future. For the moment he had to be content with getting in the good graces of the City Marshal, Charles Hitchin. At once he found himself in good luck. Not only did Hitchin take a fancy to him, but he was a scoundrel himself. He was a tall, blustering, idle man whose devotion to the public service was very small. Indeed, he made his living mostly by threatening respectable persons with baseless prosecutions and by taking hush-money from pickpockets. He and Wild quarrelled later and published pamphlets denouncing each other, which are in themselves quaint enough proof of the condition of London streets. Hitchin's main source of trade was one which has not died away even to-day: he would accuse a woman of soliciting and take money from her to say nothing, or would descend upon some prostitute in the same way. He also would receive stolen property and, if he judged that he would get a sufficient reward, he restored it, and, if not, sold it. Wild, though acting under his direction for a while, despised such

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pettifogging operations. As is always the case with magnates of finance, the broader idea, the loftier spirit prevailed: Hitchin declined, Wild rose to greater eminence. Hitchin bungled one of his commonest tricks, by signing a letter addressed to a Quaker who had lost a pocket-book, suggesting that he had lost it while 'jumping into the mouse-trap of sin' with a woman, and hinting at hush-money. The Quaker was angry, brought the letter before the Lord Mayor, and Hitchin lost his post. Soon after he was put in the pillory for a homosexual attempt, and so passes out of history, having served the purpose of launching Jonathan Wild upon his career.

Even before he broke with the City Marshal, Wild had gathered together a certain clientele. He had impressed upon the thieves and burglars of his acquaintance how far more to their advantage it was to dispose of their swag to him, and he was already re-selling the goods, in a small way, to their original owners. At no time in his career did he ever actually steal things himself: others did that work for him, his was the directing and organizing mind of the entrepreneur. He was able from the very beginning to offer the thieves better prices than other 'fences', and security as well. From receiving goods regularly and thus getting a complete knowledge of what was happening in the underworld, it was only a step for Wild to organize, first in a small way and then more extensively, the robberies themselves. He

and Mary Milliner had at first attempted to scrape a living as a 'buttock and twang' – thieves' slang for a prostitute and *souteneur* – but after a short while they were able to abandon this and take a public-house in Cock Alley, Cripplegate. From here Wild, with true business instinct, did not disdain to extend his business by personal interviews. At this time he would himself go to wait upon anybody whom he knew to have been robbed, and would say that a friend of his, a merchant, had bought some of the stolen goods in good faith and would restore them for a small consideration, or perhaps that he had stopped some of them on a suspicion of their being stolen and could probably recover them all for a small sum if the thief was not prosecuted. If the victim was suspicious, Wild protested that he was a respectable merchant of Cripplegate, that he only intended to do him a service, and angrily wished him good morning. If not, Wild would take a fee of a crown and a price for the goods of perhaps half their value. Half of the latter again was, according to his private arrangements, to be paid by Jonathan to his thieves, but the latter could never tell what was really due and Jonathan was not the man to lose chances of increased increment. Before long, his trade had grown so rapidly – for there seemed to be no goods that he could not recover – that he had no need to solicit custom: clients attended at his house. He moved his offices, with characteristic daring, to the King's

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Head, right beside the Old Bailey. Here he had two regular assistants, a runner called Quilt Arnold and a Jew called Abraham. He broke with his mistress, Mary Milliner, about this time, but parted on courteous terms, allowing her a pension, as much because of the damage she could do him by telling what she knew as because of past favours. Although he changed wives, or female companions, at least four times in his career, he showed in this matter also the controlled and laudable spirit of the beneficent capitalist. He never permitted himself to be the slave of his desires, he parted from his mistresses on a sound commercial basis, and remunerated them while needed upon a correct and economic basis of payment for services rendered.

Meanwhile, he was tightening his grip upon the other side of his business. A number of the most famous crooks of London were Wild's pupils, including Blueskin and Jack Sheppard, but he was by no means yet the absolute director of London crime. The first principle of business is to destroy one's competitors, and Wild now proceeded, firstly, to make every thief see that crimes unauthorized by him, and committed by other gangs, would be instantly punished by the handing over of the perpetrators to the authorities; secondly, to impress on those who generally worked under him that insubordination, or the retention of any part of the swag, meant transportation or death. It was an additional advantage that his punishing rivals

or rebels enabled him to feed the authorities at Newgate with a steady stream of unquestionable criminals. His public reputation as a thief-taker increased enormously just at the time when he was making himself an autocrat in the criminal world. During the time in which he was making his authority supreme, the Old Bailey scythe reaped a great harvest among his unsuccessful rivals and untrustworthy servants. Nor at any period in his career did Wild neglect to provide the State with its just quota of victims, even after he had made himself the master of London's underworld. Indeed, it was commonly whispered before long that he himself selected the most daring and able of his colleagues and closest friends for the sacrifice, for fear that they should grow too powerful; for, like Napoleon, Harriman or Mussolini, Wild's great mind and position could not tolerate a rival.

In 1716, the murder of Mrs. Knap provided him with his best opportunity of asserting his authority and gaining credit with the public. Mrs. Knap was an elderly lady who was returning with her son from Sadler's Wells Theatre on the last day of March, when she was set upon by five roughs; robbed and murdered. Jonathan Wild had not authorized this crime, but from his connection with the underworld he knew at once who had done it, and decided to make an example. The men were named Will White, Tom Thurland, Jack Chapman, Isaac Rag and Tim Dun. Wild

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had the easier task in catching them because they did not expect any pursuit other than the incompetent efforts of the authorities. Will White he captured in a public-house, with Abraham's assistance, on the Sunday following the murder. Chapman he found without difficulty in White Horse Alley, Isaac Rag in St. Giles's. He captured by an accident in the Bell at Smithfield the fourth criminal, Thurland, who had gone there with a woman. So, within a few days after a sensational murder he had taken four of the criminals, while the authorities had been supine and helpless. Already Wild began to have the reputation of a public benefactor.

Isaac Rag turned King's evidence and his companions were hanged in due course. Dun, the remaining footpad, was still in hiding and well on the alert. Although he had not yet traced him, Wild offered a bet of ten guineas that he would produce Dun at the next sessions. He calculated that Dun must sooner or later return to his old trade through lack of money, and then Wild would hear of him at once. Sure enough it was not long before Dun sent out his wife to reconnoitre to see whether Wild was still after him. She got very little information, and as she went home in the evening one of Wild's men followed her. She crossed the river at Blackfriars — by boat, of course, there was no bridge — and seeing she was followed took a boat back again to the north side at Whitefriars. Here she thought she had shaken her fol-

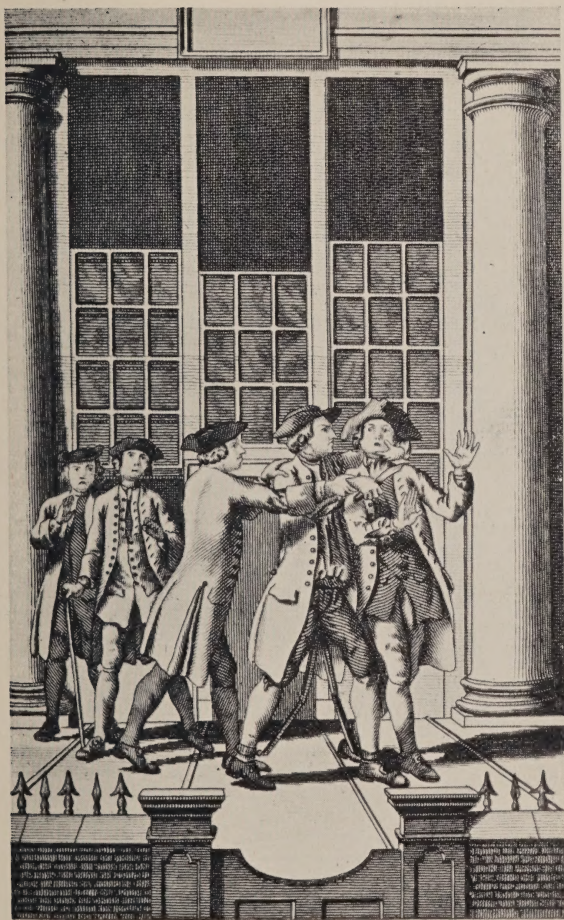
lower off, but to make sure she took a boat from Whitefriars up the river to Lambeth. The night was closing in and she did not see that she was followed all the way to her lodgings in Southwark. Next morning, Wild, receiving the report, went down to the Southwark address with Abraham and a broken-down attorney called Riddlesden, a man of no character who was of use to him for legal purposes. Dun heard them just in time before they broke in, and climbed out of his back window on to the roof of an outhouse, eight feet above the ground. He would have escaped but for Abraham, who shot him in the shoulder so that he rolled off the tiles into the yard. Riddlesden the lawyer, who had up till now hung back, seeing him helpless, fired a charge of small shot full into his face. So Jonathan won ten guineas and Timothy was hanged.

This was the most famous of Wild's public cases, and the most signal punishment of criminals who robbed and killed without his licence. The most noteworthy instance of suppression of rebellion in his own ranks occurred towards the end of his reign. In 1724 Joseph Blake, known as 'Blueskin', broke into the shop of a draper named Kneebone, and kept the proceeds for himself. Wild, on Kneebone's complaint, guessed who it was, and although (or perhaps because) Blueskin was one of his ablest thieves, did not hesitate a moment, but went with Quilt Arnold and another to Blueskin's lodgings. When Blueskin saw Wild, he

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threw down the knife with which he was attempting to defend himself, saying he knew he was a dead man. Wild smoothly promised to give him a good coffin and not to let the doctors cut up his body, and so took him to Newgate. A day or two later Blueskin, realizing that he could not escape death, sent for Wild, saying he had something important to tell him. When Wild came and walked apart with him, Blueskin leapt upon him and cut his throat with a blunt knife. The wound was serious but not fatal: Blueskin was safely hanged and Wild recovered.

Up till 1718 Wild's career had been notably assisted by two legal flaws. The first was the absolute rule that no man convicted of felony could be a witness. This meant that up to their conviction all prisoners looked to Wild for aid, for no one else had his almost Oriental resources for supplying false witness and alibis. If he failed them, then it was too late for them to take their revenge by exposing him, after they were convicted. The second was that the receiving of stolen goods, without prosecuting the thief, was not illegal. But in 1718 the House of Commons – many said with Wild particularly in view – passed a statute making the receiving of stolen goods an offence, and in particular providing capital punishment for anyone who made it his business to help persons to stolen goods by dividing the money with the felons. This, naturally, cut at the roots of Wild's business.



*Joseph Blake, alias Blueskin, attempting to
cut the Throat of Jonathan Wild.*

BLUESKIN'S ATTEMPT TO KILL WILD.

From the Newgate Calendar.

But his trade only languished for a while. He swiftly readjusted his business methods. He abandoned his five-shilling consultation fee, and never handled any money himself. He would merely inform his clients that he had information that if a sum of money were left at a certain public-house the goods would be sent home. Alternatively, he would shake his head and say that nothing had been discovered, but on the client's way out a porter would stop him, and hand him the missing valuables, with a bill, which was generally paid without question. If Wild suspected a trap, he would tell his client to issue an advertisement describing the lost goods and saying that such and such a reward would be paid to anyone who returned them to J. Wild, at the Old Bailey, and no questions would be asked. When, in addition to this, his clients made him 'a present', he always prefaced his acceptance by remarking that he did not receive it as a fee or debt, but only as an acknowledgment of his public-spirited services.

By these means he was able not only to rebuild his business, but to open a branch office at Newtoners Lane. He himself retired to a country residence in Dulwich, only coming into town at certain times. He furthermore arranged for the export of goods difficult to dispose of, by opening a foreign branch at Ostend. He purchased a sloop which he put under the command of a man called Captain Johnson, who sailed regularly

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between England and Belgium with stolen property, returning generally with excisable goods, which he landed secretly without paying the customs.

It was found, when Wild's reign came to a sudden end in 1725, that his organization was far more elaborate than was suspected. He employed at a regular salary artists to alter the appearance of watches and snuff-boxes which had been stolen. He had two or three warehouses which were in fact repositories of stolen goods. He had a number of convicted felons who had illegally returned from transportation, and were consequently entirely in his hands, kept as a sort of personal retinue in his house. He carried a short silver staff as a badge of authority, which was almost universally recognized. 'He had divided the town and country into so many districts and appointed distinct gangs for each who regularly accounted to him for their robberies. He had also a particular set to steal at churches in time of divine service: and likewise other moving detachments to attend at Court on birthdays, balls, etc., and at both houses of Parliament, circuits and country fairs.'

The fall of this great corporation was occasioned by a small and almost trivial affair. Wild, who had handled goods on a scale larger than any ordinary merchant of London, was brought low because of one piece of lace. Towards the end of 1724 Captain Johnson was forced to abandon for the

while the carrying trade between London and Ostend, owing to discoveries by the customs officers, and returned to general robbery under Wild's direction in London. Here he quarrelled with a thief named Tom Edwards, and a desultory warfare ended in counter-informations. Edwards succeeded in getting Johnson arrested in Stratford: Johnson appealed to Wild, who went down east with Quilt Arnold, and raised a disturbance in which Johnson escaped. Edwards, both spiteful and frightened, laid an information against Wild, who after three weeks decided no notice need be taken of this, and returned to his usual trade. He was mistaken, for on the demands of Edwards, the High Constable of Holborn sent down to his house and arrested him and Quilt Arnold, and took them to Newgate.

Both the authorities and Wild were surprised and puzzled – Wild uncertain as to whether he was in serious danger, the authorities as to whether they could and dared proceed against him. It looked for a moment, when Wild was originally brought up, as though he would only be charged with aiding Johnson to escape, but on reflection the authorities decided to charge him on a general information of being an organizer of criminals. They instanced, since one conviction would bring death, a case of stealing lace.

Wild was flustered and not in his usual form, even after he had succeeded in adjourning the trial till May 15th. Nevertheless, he nearly won

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his case. He distributed to the jurors before the trial a pamphlet containing particulars of fifty-seven criminals whom he had brought to trial. When the first count, that of stealing lace, came up, he made a successful defence. Henry Kelly, a 'prig' (thief), deposed that on January 22nd he was drinking at Wild's house with a woman named Peg Murphy, when Wild entered and instructed them to go along to Holborn and enter Mrs. Stetham's shop to steal some lace. He and Murphy went into the shop, pretended to be buying lace, but were so particular that the old woman, Mrs. Stetham, went to the back-room to get some more specimens, and meanwhile Kelly slipped a box of lace under his coat and passed it to Murphy. When the old woman returned, they still could not agree on a price, and left without buying. They went back with Wild, who had been waiting outside, to his house, where he gave them money for the lace.

Peg Murphy and Mrs. Stetham gave evidence corroborating this.

Wild's counsel, however, raised the objection that Wild was accused of stealing lace in the shop, whereas he had never been in the shop, and the jury on this point returned a verdict of not guilty. But upon the second point – that of receiving the stolen goods – there was little defence to be made. Wild proved that, after he was in Newgate, he helped Mrs. Stetham to recover her goods, but whether that helped his case at all is very

doubtful. His counsel tried to raise a frivolous point of law, which the judge rightly swept aside, and the jury found him guilty, which involved a sentence of death.

When awaiting execution in Newgate, Wild conversed with the chaplain upon the other great men of history, the noble Greeks and famous Romans who had committed suicide when oppressed by misfortune, and for that were regarded as glorious in history. Acting on these thoughts, he drank a heavy dose of laudanum, which, however, did not kill but only stupefied him. He was taken to the place of execution in a half-comatose condition, stoned and hooted by the people. After he was executed he was buried in St. Pancras Churchyard, but three days later his body was dug up, taken out of its coffin, which was found in the street in the morning, and hurried off in a hearse and six, but to what destination was never known and is a mystery to this day.

THE MORNING STAR OF AMERICAN LIBERTY

THE case of John Peter Zenger, the second printer in New York City, who was tried in 1735 for an alleged libel on the English governor, has been described as the first move in the American revolution – ‘the morning star of American liberty’, wrote Gouverneur Morris. Zenger himself was a pawn in bigger men’s hands. He was a little printer who was born in Germany and came to America; who tried to turn an honest penny by setting up a small jobbing printer’s establishment in rivalry to the equally tiny and inadequate official printer’s shop; who could not spell very well but possessed some just and pleasant ideas upon the matter of printers’ flowers, initials, etc.; and who finally burnt his fingers by interfering in politics.

The English governors of New York consisted, most often, of members of aristocratic families whose personal morals, or whose incompetence, were such that it was impossible to employ them nearer home. In New York they should have had a simple task, for the city, like South Africa to-day, was divided between the inhabitants of Dutch and of English descent. It would have been fairly easy to weld the English immigrants into a loyal party of opposition to the Dutch. But the maladministration of the English governors had before long united both races in a common indignation. There

had been good governors. Robert Hunter was remembered with affection. But so have there been upright Spanish Intendentes, and Roman Senatorial governors did not always plunder their provinces. Nevertheless, like causes produce like effects. As the corrupt, idle, and greedy oligarchy of Republican Rome sent out a steady stream of outworn politicians and disreputable younger sons to squeeze the provinces until they brought back a bigger fortune than they had already squandered, so the corrupt, idle, and greedy oligarchy of eighteenth-century England sent out its useless younger sons to recruit their fortunes out of the plantations of America or elsewhere. Governor William Cosby of New York was a fairly common specimen of the representatives of the English gentry. He was dull, and had no charm of manner, nor attractions of personal character. He was mean-spirited, a little military training had only taught him an affection for petty tyranny, and he was spiteful. He regarded himself as having been sent to New York with permission, legally or illegally, to extort money for himself, so long as he did it quietly. On the other hand, firm opposition awed him, and his foolishness made him easily caught in legal tangles. However, he had successfully plundered Minorca, why not New York?

He arrived in 1732, and immediately tried to rob Rip Van Dam, a respected citizen who had, although a Dutchman, been Acting Governor for some months since the death of Cosby's predeces-

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sor. Cosby tried to extort from him certain fees and salaries for that period. The attempt failed through the integrity of the Chief Justice, Lewis Morris. Cosby dismissed Morris, proceeded with the case, and further faked an ingenious 'commission of rebellion' against Van Dam. Certain drunken sailors were suborned to swear that he had run away: 'the said Rip Van Dam is not found – *non est inventus*', although he was remaining quite peaceably on his estate. By this affidavit Van Dam became legally a fugitive from justice and not merely the fees but his whole estate could be confiscated by Cosby – a truly Verrine device.

By this time – the winter of 1733 to 1734 – Cosby had added to the Van Dam case several other instances of illicit greed, including interference with elections for the Assembly, and destruction of corporation deeds to secure new fees. The more independent citizens of New York saw that a counter-move must be made. The government of New York Province was in the hands of three bodies intended to correspond roughly to King, Lords and Commons – the Governor, his nominated Council, and the elected Assembly. But since the Governor had not the same need of money as the English king, and was moreover supported from overseas, the power of the Assembly was relatively less than that of the Commons. Influence could undoubtedly be brought to bear by the Assembly, but it must be roused to its danger. There was only one journal in New York, a weekly

paper conducted by a tiny printer who lived in daily fear of the Fort.

These difficulties, however, could not be allowed to defeat the desires of so large and wealthy a town as New York. For New York was no contemptible city. It covered the large area of the island now enclosed (roughly) by Cortlandt Street and Frankfort Street. The stranger might count within this more than 1,500 houses. Including slaves, there were without doubt as many as 10,000 inhabitants. Quail, previously common where now Broadway runs, could no longer be found, owing to the increased traffic. Three of the most considerable citizens, Lewis Morris (the expelled Chief Justice), James Alexander and William Smith (who were probably the most respected members of the New York Bar), decided that the most effective reply would be to issue a new weekly journal. They selected for their instrument a struggling printer, J. P. Zenger, who had an establishment in Smith Street (now William Street), and on November 5th appeared the first number of *The New York Weekly Journal, containing the Freshest Advices, Foreign and Domestick*. It had many points of superiority to the official organ, but it was its vigorous and scarcely disguised opposition to the Governor that sold it so rapidly. Of certain issues as many as three editions had to be published. Avoiding a mention of Cosby by name, and referring openly only to his creatures like Harrison the Recorder, it published powerful articles (mostly written by the

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gentleman named above) denouncing any 'supreme magistrate' who evaded laws, or any 'traitor to his country' who tried to subvert the jury system. Before long Zenger was swept off his feet by the demand, and by the flood of letters and articles spontaneously sent in from city and country. Cosby, on the other hand, was checked and alarmed by the storm raised. The case against Van Dam had to be first adjourned and then dropped. Cosby's system of oppression seemed for the moment to be entirely held up.

But he had the sense to see that unless he could break the *New York Journal* he was defeated. The whole strength of the opposition had become centred and concentrated in this paper. If it could be broken, the forces opposed to him could be scattered. With the judiciary now entirely staffed by his creatures, a way of victory seemed open. Chief Justice De Lancey, therefore, acting without question upon instructions from the Governor's House, 'charged' the Grand Jury twice in 1734, in January and again in October, upon the question of Zenger's 'Libels'. The charge covered six pages, but the change in New York sentiments was shown by the fact that the Grand Jury returned no indictments in either case. Vexed at this check, Cosby induced the Council – his nominated Upper House – to send down to the Assembly, the elected Lower House, a message inviting the Assembly to co-operate with the Council in publicly burning the *Journal* and issuing an order for

Zenger's prosecution. After a little delay, the Assembly ordered (October 22nd) that 'the said papers and request do lie on the table'. Checked again, Cosby made the Council act upon its own authority, and it issued an order that certain issues of the *Journal* be burnt by the common hangmen, and further ordered the Mayor and other magistrates of Quarter Sessions to attend. Upon this order being read, despite the protests of Harrison the Recorder, the Mayor and the other members of the court refused to obey, and refused to allow the corporation employees to obey, so that the Sheriff had to have the *Journal* burnt 'by his own negro', which impaired the solemnity of the occasion.

A warrant against Zenger himself, however, for seditiously libelling the Governor, had also been issued by the Council on its own authority, and this was executed on November 17th. James Alexander and William Smith at once came to the rescue, secured a writ of habeas corpus, and applied for reasonable bail. Zenger provided an affidavit that after paying his debts he was not worth £40. The court fixed bail at £800, thus securing that he lay in prison until January 28th, 1735, when the Grand Jury found nothing against him. But Cosby was not going to be stopped: Zenger was at once rearrested and charged 'by information'.

The two judges of the Supreme Court who had connived at, if not instigated, all these proceedings

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were James De Lancey, Chief Justice, and Frederick Phillipse. Alexander and Smith, now actively directing the opposition, prepared a daring counter-stroke. They presented, upon Zenger's behalf, objections to the competence of both judges, founded upon flaws in their commissions. These flaws were in two technical points, and in the further point that both judges had been appointed by Cosby without the necessary consent of the Council. This move was able enough, but Cosby had determined to smash the New Yorkers. When the matter came to be argued, on April 16th, De Lancey announced that the court would neither hear nor allow the exceptions, 'for,' he said to Smith, 'you thought to have gained a great deal of applause and popularity by opposing this Court, as you did the Court of Exchequer. But you have brought it to that point, that either we must go from the Bench, or you from the Bar. Therefore, we exclude you and Mr. Alexander from the Bar.'

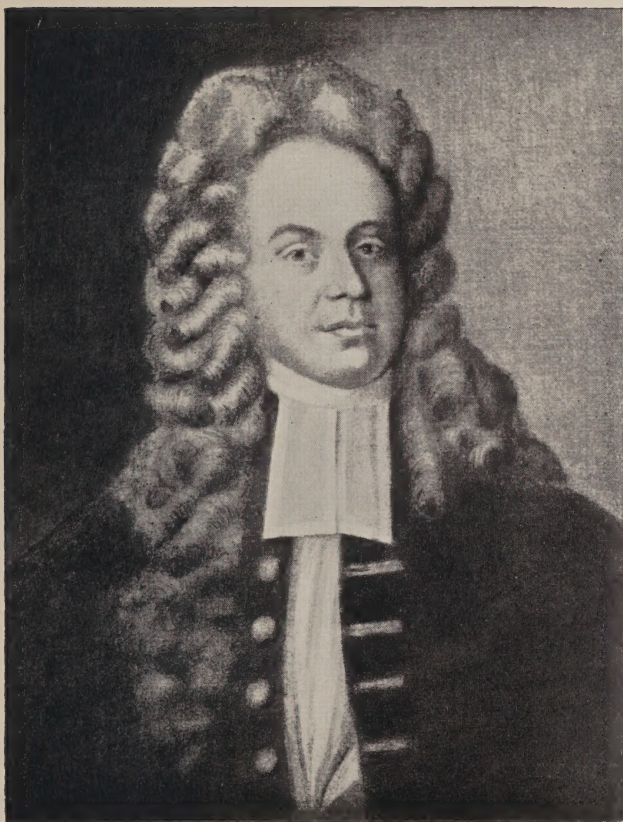
Incontinently it was done: Alexander and Smith were struck off the roll of attorneys, and forbidden to practise. Having thus, as he hoped, destroyed their livelihood and set an example to any other lawyers who were inclined to be restive, Cosby's creature on the Bench allotted to Zenger Mr. John Chambers as counsel. It is a common device of tyranny to hand to a political prisoner a youthful lawyer who knows that his advancement depends on the court's goodwill. We need not blame Mr. Chambers because he dropped the question of the

exceptions, and did not demand that they be recorded. He certainly defended his client's interests when the Clerk was caught in a barefaced attempt to pack the jury, having brought along a list of his own consisting of Cosby's personal followers. So scandalous was the Clerk's action that even De Lancey had to order him to go and fetch the book of freeholders and proceed in the usual manner. Even then, Chambers caught the Sheriff rearranging the order of the names in the panel, so that men more subservient to the Fort might stand the best chance of getting on.

Ultimately, the trial came on August 4th, 1735. Everything pointed to a victory for Cosby. Not only was Chambers known to be unfit for his task, but he was believed to belong to the Governor's party. The disbarring of Alexander and Smith had terrorized the New York lawyers. The judges, De Lancey and Phillipse, had their instructions and would obey them. Cosby's party was cheerful and certain of victory when the court opened, and De Lancey took his seat with a smile. Hardly had he sat down when dismay suddenly took the place of confidence, and the faces of Cosby's followers fell. The cause of all the long faces was an old gentleman of about eighty, with a full face, and heavy wig, who was being helped into the chair next to Chambers, as he suffered obviously from gout. Nobody in court failed to recognize in him Andrew Hamilton, who had, without the public knowledge, driven over the long and uncomfortable

journey from Philadelphia. He had been Attorney-General of Pennsylvania, Recorder of Philadelphia, and Speaker of the Pennsylvania Assembly. He had a status that no one else in court had, being a bencher of Gray's Inn, London. He was probably the ablest living advocate in America; he could outwit any judge on the bench. In legal learning, he was two or three times the superior of De Lancey; and both knew it. The odds had suddenly and dramatically shifted from one side to the other: De Lancey, previously sure of his prey, saw that he would have to fight for it.

The Attorney-General began by reading at length the alleged libels in the indictment. Owing to the veiled form of the articles, he had continually to stop and insert in parenthesis his explanation of who was attacked. As for example; Zenger had printed an imaginary conversation between two men; in which the remarks of one were thus reported in the indictment. "“We” (the people of New York meaning) “see men’s deeds destroyed, judges arbitrarily displaced; new courts erected, without consent of the Legislature” (within the province of New York meaning) “by which it seems to me trials by jury are taken away when a Governor pleases” (his Excellency the said Governor meaning) “men of known estates denied their votes, contrary to the received practice, the best expositor of any law. Who is there in that Province” (meaning the Province of New York) “that call” (can call meaning) “anything his own or



ANDREW HAMILTON.

From a contemporary print reproduced in Rutherford.

enjoy any Liberty" (Liberty meaning) "longer than those in the Administration" (meaning the administration of government of the said Province of New York) "will condescend to let them do it, for which I have left it" (the province of New York meaning) "as I believe more will."

Poor Mr. Chambers, on hot bricks, rose to make his reply, afraid to offend Cosby, and terrified of his own redoubtable ally Hamilton. He confined himself to a discussion of the law of libel, pointing out how necessary it was to prove that the alleged victim was indeed the person mentioned; and other generalities, finally inviting the Attorney-General to bring forward his evidence. Immediately he had sat down, however, Hamilton rose and disarranged the Attorney's plans by admitting, on Zenger's behalf, the printing and publishing of the *Journals* mentioned. Upon this the Attorney-General discharged his witnesses to the printing and publishing, and there was a long silence in court, broken at last by the Chief Justice: 'Well, Mr. Attorney, will you proceed?'

The Attorney-General was nonplussed. We may suspect that his intention, before Hamilton had appeared, was perhaps with Chambers's connivance, perhaps not, to call witnesses to the printing and publishing only. Chambers would make a vain attempt to shake these witnesses. The question as to whether the publications were libellous or not would not be raised: it would be assumed that the matter indicted must be, or at least that

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its libellous character was a question for the judge and not for the jury. Hence the jury's verdict would have been forced. But now Hamilton was playing a different game, and Mr. Attorney was perplexed. He made an attempt, however, to claim that the jury must without further delay return a verdict against Zenger, as Hamilton had admitted publication and no further proceedings were necessary.

'Not so, neither, Mr. Attorney,' said Hamilton, 'there are two words to that bargain. I hope it is not our bare printing and publishing a paper that will make it a libel. You will have something more to do before you make my client a libeller: for the words themselves must be libellous, that is, "false, scandalous and seditious," or else we are not guilty.'

Willy-nilly, therefore, the Attorney-General had to proceed to argue precisely upon the subject that he had wished to avoid. He dwelt upon the 'excellency and use of Governments,' and read from law books to show that severer punishments were exacted for libels against Government than ordinary persons. He also argued that whether a libel was true or false was of no importance, that libelling the Government was an offence against the law of God (Acts xxiii. 5; 2 Peter x. 11). He paraphrased the matter quoted in the indictments, stating that Zenger had described New York as deprived by the Governor of its rights, liberties and property. What more serious libel could be

written? Zenger had been given great latitude; the Council had not proceeded until his behaviour had become unbearable.

Chambers replied, apparently with more spirit, remarking how insufficient was the Attorney-General's proof of the libellous character of the articles.

Hamilton rose and began a lengthy and important speech. He affected surprise to hear that the Council had authorized the prosecution. He deplored the cases that the Attorney-General had cited, observing that they were Star Chamber cases, and no precedents. He cited numerous parallel cases to show that the respect due to a Governor was in no extent the same as that due to a king. He had not spoken long, in his rather leisurely Gray's Inn manner, before the Attorney-General broke in and asked that he turn his remarks to the libel before the court. Hamilton, far too experienced to show irritation, proceeded to deal with the question of falsity. The Attorney-General, he said, had said they were 'false, seditious and scandalous': each of these had to be proved. If the Attorney would prove them false, Zenger's side would admit the words were seditious and scandalous. More than that, since the Attorney made difficulties, he — Hamilton — would take over the *onus probandi* and proceed to prove the libels true.

The Court was thoroughly alarmed. Suppose he did attempt to prove the libels true! What would

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be left of Cosby's reputation after Hamilton had dealt with his administration for a couple of hours? De Lancey intervened – the case had long passed beyond Phillipse's limited powers of comprehension. He said that Hamilton could not legally put in the truth of a libel as justification: 'a libel is not to be justified, for it is none the less a libel because it is true.' Counsel and judge then entered on a long legal argument. Hamilton's argument, which has been reported at great length, remains as a monument of learning and ability, but, being purely legal in interest, is unsuitable for summarizing here. Suffice it that De Lancey was forced to rely upon the famous and iniquitous dictum of 'the greater the truth the greater the libel', and forbade Hamilton to argue the truth of Zenger's writings. Hamilton, after complaining of 'Star Chamber precedents', for which he was rebuked, turned to the jury.

'Gentlemen of the jury, it is to you we must now appeal for witness to the truth of the facts we have offered and are denied the liberty to prove. . . . The law supposes you to be summoned out of the neighbourhood where the fact is alleged to be committed and the reason of your being taken out of the neighbourhood is, because you are supposed to have the best knowledge of the fact that is to be tried. . . . You are citizens of New York; you are really what the Law supposes you to be, honest and lawful men. And according to my brief the facts which we offer to prove were not committed

in a corner; they are notoriously known to be true, and therefore in your justice lies our safety.' He also reminded them 'that the suppressing of evidence ought always to be taken for the strongest evidence.' And then he turned to the Attorney-General and asked him for another definition, since he excluded the word 'false.' The Attorney-General from a legal book read a long extract from which it appeared that malice and provocation, even ironical, were the essential features of a libel. The consequent legal argument between Hamilton and the Attorney-General must be abridged. Important though it was at the time, there is perhaps only one statement now worth recording, Hamilton's remark that 'The practice of information for libels is a sword in the hands of a wicked king, and an arrant coward, to cut down the innocent.' In the course of the argument the Attorney-General became heated and floundered: Hamilton grew calmer and blander at each exchange. Resuming at last his speech, Hamilton artfully mingled legal points with appeals to general principles.

He observed how illusory, to an ordinary American, was the right to appeal to Westminster. He urged the right of every freeman to remonstrate against, and resist, oppression, and to resist especially any Governor who destroyed the law that he should protect. 'But I pray it may be considered, of what use is this mighty privilege if every man that suffers must be silent? And if a man must be

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taken up as a libeller for telling his sufferings to his neighbour? I know it may be answered "Have you not a Legislature? Have you not a House of Representatives, to whom you may complain?" And to this I answer: "We have." But what then? Is an Assembly to be troubled with every injury done by a Governor? Or are they to hear of nothing but what those in the administration will please to tell them? And how is he to be remedied?" Hamilton pointed his question by a reference to a certain recent case in which a governor had kept the same Assembly together nearly fourteen years, having secured a majority for himself by the bestowal of pensions and places. 'No, it is natural, it is a privilege, I will go farther, it is a Right which all freemen claim; they have a Right publicly to remonstrate the abuses of power in the strongest terms, to put their neighbours upon their guard, against the craft or open violence of men in authority.' After dwelling upon this for a while, he went on to warn the jury to beware of the words or intentions of the instruments of tyranny, particularly those men promoted by such a Governor to some post or preferment. Such men, he observed, looking squarely at the indignant De Lancey, who were dependent for their advancement on the government, would either sacrifice their preferment rather than assist to destroy liberty, or else must be 'a detestable and worthless sort of men, nor will their opinions or inclinations have any influence upon this trial.'

He proceeded to speak, with great length and learning, upon the nature of a libel, claiming that the Attorney-General's cases were Star Chamber cases, or equally suspicious precedents under James II, and that more weighty authorities were to be found warning the jury against the influence of the government in such cases. A jury's duty was to follow its own conscience and not that of the judge, and he instanced the case of Penn and Mead to show that no judge could now legally punish a jury for disagreeing with him. Under the prosecution's definition anything, however true and just, could be a libel. Under the Attorney-General's system of interpretation even reading the Bible in public would be a libel. 'As for instance, Isaiah ix. 16, "The leaders of the people cause them to err, and they that are led by them are destroyed." But should Mr. Attorney-General go about to make this a libel, he would read it thus: "The leaders of the people" (innuendo, the Governor and Council of New York) "cause them" (innuendo, the people of this province) "to err, and they" (the people of this province meaning) "that are led by them" (the Governor and Council meaning) "are destroyed" (innuendo, are deceived into the loss of their liberty).'

He concluded by a renewed exhortation, which moved obviously both the jury and the audience, and discountenanced the judge. He begged the jury to remember that it was their duty, and not the judge's, to determine what was or was not a

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libel. He urged them to avoid the proposal to find Zenger guilty of publishing, and to refer the question of the libel to the judge. 'It is not the cause of a poor printer, nor of New York alone, which you are now trying — No! It may in its consequences affect every freeman that lives under a British government on the Main of America. It is the best cause. It is the cause of liberty.'

Spiritually, and even physically, his opponents appeared oppressed and defeated when he sat down. The Attorney-General mechanically repeated that Hamilton had admitted the printing and consequently Zenger must be guilty. De Lancey, who was no Jeffreys, and had lost his nerve, said that as Hamilton had been at such pains to urge the jury to disregard the judge's opinion, he would merely read them a brief extract from the opinion of a judge on the seriousness of libelling the Government.

So the jury withdrew, and in a small time returned with the verdict 'Not Guilty.' There was loud cheering: De Lancey and the Attorney-General left the court in silence. They had attempted to stop the cheering, only to be told by one of their own officials that 'cheers were customary on such occasions.'

Zenger returned to a much increased business. Cosby, his aims defeated, died in a few months. Andrew Hamilton was entertained at a public dinner and was presented with the freedom of the city, enclosed in a gold box weighing $5\frac{1}{2}$ ounces,

ZENGER, NEW YORK, 1735

which was also suitably engraved with the arms of the city and three Latin inscriptions. And after this ceremony was completed, he was once again helped into his carriage, and drove off upon the Philadelphia road.

LIEUTENANT RICHARDSON THE PIRATE

FOR the most part pirates were abominable brutes. They have no right to the romance with which later writers have invested them. There was sometimes chivalry or wit to be found among the highwaymen, but the records of Blackbeard, Kidd or Morgan are tedious stories of revolting cruelty and dishonest greed. It is a great relief to meet, in this company, John Richardson, the New York pirate, who has but one murder to his discredit, and whose failings were of a more forgivable nature than those of his fellows. Before he met the usual fate of pirates, at Execution Dock on the Thames on January 25th, 1738, he wrote a cheerful and unashamed account of his life.

Richardson was the son of a New York goldsmith, and after two years of school was bound apprentice to a cooper. Almost at once he ran away to sea, but after one voyage he returned to New York and settled down, to all appearances, to learn the trade of a carpenter with one Peter Carley. Five years passed before the frailties which were to ruin him showed themselves. In this fifth year the condition of his master's daughter could not be concealed, nor was there any doubt who was the father of the expected infant. Richardson, following his invariable custom, ran away: he took a ship to Jamaica, but no sooner had he arrived than the press-gang caught him and he had

to serve on a man-of-war bound for England. From London he engaged himself on a Baltic ship, where he found the service uncomfortably cold.

Up to now he had led an undistinguished life of theft and misery. Now he saw possibilities of gain and amusement on a large scale. He provided himself with a sum of money, by forging a letter from his captain to a merchant, gave the ship the slip and escaped to Amsterdam, prepared to live on his wits.

He was a young man, good-looking and unusually attractive to women. His manners were charming, he was an expert dancer and could sing passably. His conversation was witty and cheerful, and his method of making love was irresistible. That he was absolutely venal, and would leave as soon as the money was exhausted, his victims found out later. He was not brutal, nor unusually dishonest; nor the mixture of bully and coward that generally made a pirate. But he must have women, and, if possible, a variety of women at the same time, and he looked to them to provide him with funds.

His first conquest was the wife of a Dutch mate, who was on a voyage to the East Indies. The good lady found her house cold and empty: Richardson was only too willing to oblige and lived comfortably and idly with her until she warned him, after eight months, that her husband was due home and he must go. He consented, but for a farewell

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took her to the theatre, and then to an inn to drink a last time together. She drank plentifully at his urging, and soon was almost helpless. He gallantly piloted her home, undressed her, put her to bed, took her keys and abstracted £60. Then he went to the warehouse, took approximately £200 worth of the most movable goods, and set out next morning for Boston via Rotterdam. Years afterwards he met his lady again in Amsterdam, but she made not the least reproach to him, in case her husband found out other things besides the theft.

Richardson was now in clover. When he arrived in Boston he had valuable goods, and as things went then a considerable sum of money. He decided to go up country and marry a rich wife, and so went inland about 50 miles beyond Fairfield to a town not named. Here he posed as a rich India merchant, with silks and cloths rarely seen in the country districts of Massachusetts. He was invited to several houses, and what pleased him more, gained the attention of the young women as much by his person as his wares. He selected from many others an invitation to stay with Mr. William Brown, who had three attractive daughters. To each young woman he declared separately his overmastering affection: he presented all three with charming presents from his stock: he represented himself as pining with desire, and they were not unkind to him. To the four maid-servants he was more cavalier, but his brusquer advances

were no less successful, and he did not spend a lonely night. Seven young women at once, unknown to each other, were now his mistresses: seven young women were soon in an 'interesting condition.'

One would have thought that was enough to satisfy any man, however restless. But Richardson had his eye on the judge's daughter, who was esteemed the catch of the countryside. He formally asked the old gentleman, who had a position socially like that of an English squire (his name is given as Judge W . . . m), for permission to court his daughter: believing him wealthy, the old man consented. With this permission, Richardson had but little difficulty in persuading the girl that to refuse him the rights of a husband, merely because the ceremony had not been performed, would be unkind and unworthy. His seven were now eight.

The crash came when the banns had to be announced. The first Sunday all passed well, but the second Sunday, after reading them; a scandalous scene occurred in the little New England Church. There were seven angry young women present, who declared to the parson that Richardson had seduced them under a promise of marriage which there were the most urgent reasons for him to fulfil. Richardson slipped out during the uproar, and later received a letter ordering him never to visit the Squire's house again. Little he cared. He expected, and received, a few weeks

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later, an urgent appeal to come to the house. He did so, was informed of the circumstances, and said he would marry the girl – for £300. This was agreed. When the others sued him for alimony, his father-in-law paid. ‘The honeymoon being over before marriage,’ observes the Newgate calendar, he was not anxious to stay, but slipped away again to Boston, where he spent all his money. But he was a skilled craftsman and had no trouble in getting work in a Quaker’s shipbuilding yard.

The Quaker had a young wife, who was not too pleased with the austerities of his religion. The Quaker returned home one morning unexpectedly, and found Richardson in the house. ‘Friend,’ he said, ‘what business has thee here? Why dost thee not keep at thy work?’ Richardson made some excuse about searching for a tool, and the Quaker did no more till the end of the week when he turned him off without wages, ‘for I am of the opinion my wife has paid thee,’ he said philosophically. Richardson equally calmly invited him to make that excuse in court, and his wages were paid. Moreover, he hung about Boston, until his employer had to go up country buying timber, when the wife at once sent for him and gave him proof that her husband’s dislike was in no way shared by her. When her husband was due to return, Richardson bade her an affectionate farewell, abstracted £70 from the chest, and went to Philadelphia.

Here he took lodgings with a widow who had

two daughters. He first paid his attentions to the mother, who was a little surprised but not at all unwilling, and four months were passed happily until she accidentally found him in unmistakable circumstances with her eldest daughter — on a Sunday, too, when every one was supposed to be at church. He flattered and cajoled the foolish old woman into pretending she had seen nothing, until one day she found him in precisely the same circumstances with her second daughter. This time there could be no excuse: a husband was found for one daughter, and for £100 and half the plate in the house Richardson consented to marry the other. As soon as the ceremony was over he left the house for ever, and went to South Carolina, where he lived as a gentleman until the exhaustion of his money made him go as mate on a Jamaica boat.

In Kingston harbour he was left in charge of the boat, but his manners and address were so appreciated by this out-of-the-way provincial society that the owner of the ship took him, with his own daughter, to a wedding dance. On the way home, Richardson having gallantly offered to escort the daughter, conveniently lost his way in a thick wood and became dizzy and had to stop. When he was prepared to go on, 'not yet,' said she, 'I have stayed here a good while for your pleasure and surely you will not deny to stay a little longer for mine.' The manners of Jamaica appeared to differ from those of New England: he had never before

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received so direct an invitation, and he found she was quite prepared to come to his cabin to continue the intrigue. More astonishing still, her father, on receiving the inevitable news of Richardson's behaviour, merely said 'The braver fellow he!' sent for Richardson, cracked some broad jests and said, 'Since she and you have been such fools, you must take her and marry her.' Which was done, and Richardson was fitted out with a ship and cargo.

He had scarcely set sail before a storm sank his ship and cargo. He was tossed about in an open boat until he was rescued and taken to St. Kitts, where he heard of the death of his Philadelphia wife, at which he was genuinely and deeply distressed. He wandered about the West Indies for a time, wretched and penniless, raised money at one time by pretending to be the son of Governor Richardson of Antigua, and eventually drifted to England and sponged upon a public-house keeper at Chatham, who took him – such was Richardson's absurd good luck – for a long lost brother. By his usual methods he secured £300 from a girl called Anne Knolding, and went off to Venice to spend it.

Soon enough, of course, he was down on his luck again, and engaged himself as a ship's carpenter on the *St. John* under Captain Benjamin Hartley. Outside Patras, he and the mate Coyle came to the murderous resolution of killing the Captain and turning pirates. They broke into the captain's cabin that night, but he escaped

and they chased him up on deck, where he got up on to the shrouds. Coyle attempted to shoot him with a blunderbuss, but it missed fire and the Captain knocked it into the sea. At last a concerted rush was made by the two conspirators and their assistants. The captain was pinned to the side and they tried to thrust him over. He clung desperately, while Coyle tried to stun him by beating him on the head. Richardson at last, perhaps mercifully, lifted an axe and split his skull.

They threw the body into the sea. Coyle was made captain and Richardson mate, and they set out on a pirate's voyage. This turned out to be wretchedly unsuccessful. Richardson was not meant for such warfare. The ship met bad weather, wandered vainly between Malta and Majorca, until at last she anchored at the Spanish island of Foviniano (Favignana, off Sicily). Here two cabin-boys betrayed the pirates to the Spanish Governor, and Coyle and Richardson only just escaped. They drifted up and down Mediterranean ports, living on Richardson's facile tongue and disarming appearance, but the news of Hartley's death was about. Coyle was caught at Tunis, Richardson a little while later at Civita Vecchia.

He was brought up for trial in December, 1737. The evidence was heavy against him. The captain's boy, Wallis, recounted the killing of the captain: how he had been chased round the ship: how he had cried 'For Christ's sake; for Almighty God's sake, spare my life': how the blunderbuss

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had missed fire and Richardson had cut him down. He did not see Coyle strike him, but Richard Durrant, a member of the crew, besides confirming the rest of the evidence, swore that Coyle repeatedly beat the Captain on the head with a chicken trough. A third member of the crew, William Metcalfe, told the same story. Coyle, who was tried first, made a long, rambling defence, in which he blamed Richardson for everything: Richardson did not trouble to defend himself. Coyle, awaiting his death, expressed pious sentiments and deep repentance: Richardson behaved with most improper levity and occupied himself with cataloguing his amorous adventures. His last message was addressed to his sister, Jane Richardson of Soho Square, who had refused to lend him £20. 'Your ungenerous and ungrateful spirit,' he wrote, 'I hope will meet with its due reward. I hope your twenty pounds will melt and waste from you like snow against the sun. . . . I conclude in my hearty wishes that you may meet with all the unhappiness that can attend a woman.' With these unedifying observations he went to Execution Dock on Wednesday, January 25th, and from his fate, observes the Newgate Calendar, young men should be warned to beware of debauchery and young women to beware of love for fine clothes, especially India silks.

THE SPY

Close by the ever-burning brimstone beds,
 Where Bedloe, Oates and Judas hide their heads,
 I saw great Satan like a Sexton stand
 With his intolerable spade in hand
 Digging three graves . . .
 I asked the fiend for whom these rites were meant;
 'These graves,' quoth he, 'when life's brief oil is
 spent,
 When the dark night comes and they're sinking
 bedwards,
 I mean for Castles, Oliver and Edwards.'

LAMB.

A DEGENERATE oligarchy has to live by what means it can, and in 1820 the British Government supported itself by means that had once commended themselves to the Venetians. The governing class, together with its head, the obese and debauched George IV, was a survival from the eighteenth and seventeenth centuries. The great landed families who had brought over William III still ruled the country, though all justification for their power had passed away. The mere shifting of population, by the creation of 'rotten boroughs' which could be bought and sold, had put the House of Commons wholly in their power. The best that could be said for it was that here and there a true representative of the opposition, Alderman Woods, Sir Francis Burdett, or Henry Hunt, would be

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returned. Outside Westminster, the contradiction between the economic life of the country and its political arrangements was clamant. The county families, by grabbing commons left and right, had turned off the land or reduced to pauperism the small peasant farmers who were their ultimate political support. Outside the scope of their life great industrial towns like Bradford and Halifax had grown up, deeply resentful of their corrupt and inefficient tyranny. How should not a vast city like Manchester resent its subjection to a semi-feudal regime which placed all its effective local government in the hands of a greedy, autocratic and brutal Deputy-Constable like Nadin? No useful function, it was generally felt, was performed by the landed ruling classes, while the oppressive burden of their pensions and sinecures rivalled the Courts of the Palæologi or of Louis XV.

A government so without roots in the country could hold its position only by deception and force, and Lords Sidmouth and Castlereagh – ‘two scorpions under one wet stone’ – provided both, Castlereagh as the guiding spirit of the Government, Sidmouth as its instrument at the Home Office. To keep the middle and employing classes quiet and to induce them to refrain from any political activities, they had to make them believe that the labourers in town and country were embittered Jacobin conspirators, only prevented from slitting the throats of their employers by the strong arm of the government. Oliver, Booth,

Reynolds, Castles, Edwards and other spies whose names are unknown, urged on by magistrates acting under Home Office orders, diligently 'discovered' and worked up insurrectionary movements. Unfortunate Luddite handworkers, wrecking machines, were entrapped into larger conspiracies by a 'delegate from a neighbouring town' and duly appeared before Special Commissions charged with High Treason. Reformers were approached by delegates from down south, hot-headed and enthusiastic, who dragged them into secret oath-taking and, if possible — O happy day! — into concealing some clumsy pike-heads. Hangings and transportations, and a duly sensational trial, followed, as a matter of course.

This trick — for it was a trick, and the English workers were not revolutionary conspirators — began, as such things will, to fail of its effect in the course of time. In London, indeed, it was almost useless. The 'London disease' made the Government actually afraid of the juries, who declined to convict despite obvious political expediency, and returned verdicts implicitly reflecting on the character of the government witnesses, and showing ill-conditioned and seditious opinions upon the rights of the subject. More serious than all were the after-effects of Peterloo. Peterloo was the name given to a strictly peaceful meeting held in 1819 in St. Peter's Fields, Manchester (where the Midland Hotel and Theatre Royal are now), addressed by Henry Hunt. This meeting was

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charged by the Yeomanry with drawn sabres. Many were killed by them and others injured by sabres or trampled down by the horses. This affair and the support naturally given to the Yeomanry by the Government, roused great indignation and a wave of wrath swept nearly all circles outside the privileged oligarchy.

In 1820, therefore, the position of the Government was shaky. Something to rally to it again the timid and wealthy was urgently needed. The only thing that could be of use was a really horrifying conspiracy, and in that year the 'Cato Street conspiracy' duly made its appearance.

Mr. Arthur Thistlewood, the central figure of the conspiracy, was a gentleman, of Lincolnshire birth. His legitimacy was doubtful; his mother, Ann Burnett, had run away from her husband to live with the elder Thistlewood. Arthur inherited his mother's impetuosity. He was an ardent reformer: he was rash, hasty tempered, and full of generous indignation, especially after Peterloo. Caution or suspicion were almost unknown to him: he was an ideal subject for the attentions of a police spy.

Experience taught him nothing. In 1817 he and the elder and younger Watsons had had a lesson which would have quietened anyone else for a lifetime. Thistlewood and the Watsons had the direction of the more extreme London reform movement, and were concerned in the organization of various rowdy meetings, especially an extremely excited one at Spa-fields. Among their immediate

assistants was a man called John Castles (or Castle) notable for his inquisitiveness and violence of language. While no one precisely distrusted him he was little liked, and at the time of the Spa-fields meeting he had forced himself into a dinner given by Henry Hunt to his friends, and had been rebuked by the great man for the violence and vulgarity of his language. Soon after Thistlewood, the Watsons and others were seized and imprisoned on a charge of high treason. The main witness against them was Castles, who now came out in his true character of a police agent. He had led the police to a place where 'the plotters' had hidden pikeheads, and had himself deposed to a terrifying plot to storm the Tower and Bank of England. His evidence had been taken down by the Government lawyers, and revised, expanded, and altered frequently until it was felt to be safe.

The case came before the Court in June, 1817. The main evidence was Castles, who repeated in full the evidence that had been agreed on with the Treasury solicitor. He was cross-examined for the defence by Mr. Wetherell, and the thirty-eight printed pages of question and answer that record the examination are some of the most satisfying and pleasing pages of legal history. We can imagine the pain and disconcertment of the prosecution as Castles was smoothly and remorselessly led into self-contradictions and obvious absurdities. But worst of all was the exposure of Castles' character: 'the learned counsel most emphatically

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and forcibly changed the tone of his voice', writes the stiff shorthand report, as he forced Castles to admit having twice before secured the death of men by entering into a plot with them – for forgery and other things – and then revealing it to the Government. He forced him to admit having led another man to his death in connection with a scheme for the escape of a French prisoner. He was about to press this line of examination further when Chief Justice Ellenborough agitatedly stopped him: 'the witness,' he felt, 'was entitled to protection'. Mr. Wetherell thereupon turned the current of his examination, and elicited the admission that Castles was a brothel-keeper and *souteneur*.

After he had sat down, there was no doubt as to the result of the case. The verdict was 'Not Guilty: Thistlewood and the rest were free, the Government humiliated and discredited, and one of their best spies made useless.

Thistlewood had been the victim of official routine in the Tower, and an amount of his personal property had been 'detained' by official orders. Somehow, he regarded this as robbery; and published his letters on the matter to Sidmouth, declaring him responsible for the behaviour of his subordinates. Even the most self-satisfied bureaucrat – and Sidmouth was entirely indifferent to suffering caused by the orders of Government officials – is angered when publicly and plausibly accused of petty theft. Sidmouth found his revenge

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by ordering Thistlewood's arrest, and securing his imprisonment for sending to him a challenge to a duel.

Thus in 1820 private wrongs as well as Peterloo had worked Thistlewood up into a permanent fury which made him an even better prey for a spy than usual.

It is impossible at this date to know what precisely happened in the 'Cato Street conspiracy'. Home Office papers make it clear that not only the chief conspirator, George Edwards, was acting under the impulse of Bow Street, and reporting regularly, but there were at least two other spies, 'B' and 'W - r', whose names appear to have been Banks and 'Walker of Manchester'. There were several genuine reformers concerned in the plot besides Thistlewood. Ings was a journeyman butcher, a man of strong character, Tidd and Brunt were labourers, William Davidson, a man of colour, was utterly destitute and dependent on the Mendicity Society. There were others like Bradburn, Harrison and Wilson, who seem not to have been fully cognizant of the details, and some like Strange, Gilchrist and Cooper who were hardly connected with the affair at all. These - all working men - were those who afterwards appeared in Court. There was also Mr. George Edwards, who assiduously impressed recruits - according to evidence given to the Home Office and suppressed - and three more proletarians - Adams, Hiden and Dwyer.

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There exist 'minutes' of the meetings communicated to the Home Office by Edwards, but it would be rash to imagine that they have any relation to what really occurred. The collapse of the defence and the hard lying of the prosecution leave many things in doubt. But it seems highly probable that under Edwards's prompting and suggestion, Thistlewood and his followers consented to a plan for surrounding and capturing the Cabinet at a Cabinet dinner. The conspirators were to be armed, and it is probable that their aim was to kill at least the more disreputable members of the Cabinet. The motive was revenge for Peterloo: Thistlewood, it is very probable, may have intended to force Sidmouth to fight to the death the duel he had refused before.

Edwards assiduously worked to bring in every one of Radical tendencies. To a man called Tunbridge he said that all was arranged, and that his friend Adams, an ex-soldier, had a sword, and would 'cut off the bloody thieves' heads'; to a man called Pickard, who knew Edwards as brother of the secretary of the Spencean Society, he handed a hand-grenade and tried to make him keep it; Chambers was the name of another man whom he tried to recruit, saying, 'All must come together armed'. A very considerable collection of rather ineffective old arms was made and distributed among the conspirators, the main deposit being made in a barn on Cato Street, not far from Grosvenor Square, the residence of Lord Harrow-

by, one of the Cabinet. Who paid for the arms is not stated. Thistlewood was nearly bankrupt; the rest, except Edwards, were penniless.

(One of the conspirators, Dwyer, seeing how things were going, quite superfluously sent a denunciation to Lord Harrowby.)

On February 22nd, 1820, Edwards at last pushed the conspirators to the point of action. He procured a copy of the *New Times*, in which there was an announcement of a 'grand Cabinet dinner' next day, to be attended by all the ministers at Lord Harrowby's in Grosvenor Square. Curiously enough, no other paper had the announcement – it was not sent out by the Court reporter – and there was no Cabinet dinner in fact. There is a puzzled letter to Sidmouth in the Home Office papers from the editor of the *New Times*, saying he is unable to trace how the announcement crept in.

That was the last meeting Edwards attended.

Next evening the conspirators were anxiously awaiting the appointed time, when a company of Bow Street officers, headed by the famous George Thomas Joseph Ruthven, burst into the Cato Street barn. The light was blown out, there was a short struggle in the dark, and a police officer named Smithers was killed. All present were arrested, and under Edwards's instruction, certain others, including Brunt, who had escaped, were captured at home.

The preparation of the case for the Crown was a matter of great difficulty. Edwards made an

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enormous deposition, with indications as to the examination of other members of the group, including a man named Bowden, who appears to have been another spy. He had also written out a list of questions, headed, 'The following is what I wish to take place at the close of my cross-examination', which he could answer creditably. But the Crown lawyers remembered the miserable fate of Castles, and did not wish to use him. Dwyer and a man named Monument would give evidence, but they knew practically nothing; so would a man named Hiden, but he also was ignorant of anything sufficiently wicked for the purpose. At last one of the accused helped them out of their difficulty. Robert Adams, the ex-soldier, who had once been chairman of the committee, as the conspirators called themselves, offered to give evidence, and he was instructed and drilled in the statements he should make. With great relief Edwards was dropped out of the case.

The first effect of the arrest had been all that could be desired. An attempt at wholesale murder and one actual murder had scared the other Radicals. Thistlewood and his penniless fellows were left nearly without friends. Only on the eve of the trial was money enough raised to secure counsel for them, and at such short notice the defence, when it came into court, could do hardly anything.

Thistlewood's case, which was taken first, began on April 17th. The defending counsel, Mr. Adolphus and Mr. Curwood, were practically helpless.

The evidence of Adams was most damaging. He positively swore, in the fullest detail, to a plot not only to kill the ministers, but to lead an insurrection. He claimed that the proclamation of the provisional Government was actually written out and signed by Ings, and added a picturesque detail to the effect that Ings intended to pickle Castlereagh's head and sell it later as a curiosity. Attempts to shake him failed, and counsel despairingly exclaimed that the man had been drilled well.

The less sensational evidence of Monument, Dwyer and Hiden, minor members of the plot, then followed. They endorsed Adams' evidence. The effect of their witness, with the dumb evidence of the arms and the dead body of the police officer, was overwhelming. The only chance for the defence was to cast all the blame on Edwards. This it did as far as it could; but the judges were alert and servile. Edwards was for them 'a person not before the Court', and as far as humanly possible they disallowed and prevented questions concerning him. They could not indeed prevent Mr. Adolphus in his address to the jury enlarging upon the suspicious behaviour of Edwards, the curious incident of the false news in the one newspaper, and the fantastically inadequate arrangements if an insurrection had really been intended. All was vain: the verdict was 'guilty', and the same evidence was gone through, with the same result, in the cases of Ings, Brunt, Tidd and Davidson. The other prisoners, Wilson, Harrison, Strange,

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Cooper and Gilchrist, in the hope of mercy, changed their plea to 'guilty'.

The Court, before it passed sentence, listened, as is usual, to the prisoners' last speeches. Thistlewood spoke vigorously in defence of freedom and his political career. He told of how George Edwards, once a bedraggled, ragged wretch, appeared one day flourishing and free with money. Edwards suggested to him various incendiary and murderous plans, Edwards provided all the money for the arms, Edwards contrived and directed all. He had evidence, he claimed, against Edwards which the Court had refused to hear. He was twice interrupted and impeded by the Court, but managed to complete his speech. Davidson, the black man, spoke confusedly and indignantly: Edwards and a man called Goldsworthy, he said, had dragged him in, and the judges had been unfair. Ings briefly and defiantly reminded the Court of Peterloo; Brunt, in a long and able speech, interrupted again by the Court, denounced Edwards, his past character and his present activities. Tidd, Wilson, Harrison, Cooper, Bradburn and Strong said practically nothing. The words of Gilchrist would have moved anyone but a judge. He said:

'What I shall say I will say as in the presence of my God, and before you. I knew nothing of it till about four o'clock in the afternoon; I was going to look for work; I had neither money nor bread, so I met with a man who told me to come to the "Horse

and Groom", that they were going to have a supper there. I was not a man that suffered myself to be among Radicals, but I had nothing to eat, and absent from my friends, and none to help me. I went to the place appointed, as I have stated to my Attorney, and likewise stated to my Lord Sidmouth, at six o'clock at night; I cannot cut it short: I must tell the truth. I went to the place at six o'clock at night, and met four or five men whom I did not know but Charles Cooper. I borrowed a half-penny, and bought some bread at a shop; with that I followed Hiden; I was a few yards behind him in going to this shop; before I could get a penn'orth of bread they were away from me; I followed them on, not knowing what I was going about; as my God hears me that is true, and I never wish to come out of this place if I say anything false. I went on, not knowing what I was going about, and when I went upstairs, in a very little time came in bread and cheese; I took an old sword and hacked it down; the men came round seemingly as hungry as I was, and I never asked, till near about the conclusion that the officers came, the meaning of those arms; this very man that came here was the very man that answered me first; he says, you shall know by and by; there is one that we expect to come; says I, I am not willing to stop here; says he, ranging the swords, any man that shall go out here I will run him through. I immediately, in a manner, went backwards from the end of the table, stepping towards

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this little man, and I was then going to make an excuse to get away out of this company, when up came an officer, and the words that he said were, "Lay down your arms." I heard no more; I was confounded. I knew by his neckcloth, and the appearance of a gentleman, that it was my duty to surrender myself. I never had anything in my hand, but that sword that I cut down the loaves with, and I stand here convicted of High Treason. I served my King and my country twelve years, and this is the recompense; O God! I have nothing more to say.'

Thistlewood, Ings, Brunt, Davidson and Tidd were reserved for execution: the others were transported for life, except Gilchrist, whose fate is unrecorded.

The course of the trial, and above all the last speeches of the condemned men, had caused a rapid change of opinion in reforming circles. The alarming nature of the plot and the collection of weapons, which had once made them hesitate to align themselves with Thistlewood, now convinced the reformers that they were confronted by a police-spy plot more blackly criminal than any that had gone before. Alderman Woods, an energetic M.P., at once took steps to rout out Edwards and lay bare the true facts of the plot. He twice initiated debates in the House of Commons, which unfortunately could do no more than slightly discompose the smug self-satisfaction of the Government.

On May 1st Thistlewood, Ings, Davidson, Brunt and Tidd met their death, in the triangle outside Newgate called the Old Bailey, in a manner which called forth the deepest admiration of William Cobbett (*Register* 36, 8), and many others. The place was packed with soldiers, who could not prevent the people of London there present from showing their hatred of the Government and sympathy with the prisoners, and crying 'Murder, murder, murder'.

Sidmouth, with his official mind, refused to let Mrs. Thistlewood have a lock of her husband's hair: he also refused to let her or any of the prisoners' wives have their husbands' bodies. 'Why not give the bodies to the wives?' wrote Cobbett. 'Ah! you must *guess*: for I dare not tell you what I *think* was the reason.'

Here the case ends, officially. But public indignation would not let it rest. Without the knowledge that the Home Office papers now afford, many reformers had penetrated to the truth, and popular indignation pursued the informers. Letters from them to their protectors, showing every mark of terror, are in the files. Dwyer wrote: 'I am continually abused by the Publick ever since the True Bills were found. . . . I am fritefull of being assassinated Every Moment.' Adams, who seems to have been packed away to some colder climate, writes asking for money and clothes. 'I could not Settle where I ham knowing for my Life his in worse Danger then if i had run the risk of my trial.'

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Most interesting are the letters of Edwards, signed G. Parker. Mrs. Thistlewood, on the advice of Alderman Woods, and with the support of a Committee, swore a bill of indictment against Edwards for High Treason, and Woods sought everywhere for the creature, even going to France in search of him.

The first of Edwards' letters is a revolting piece of hypocrisy, asking to see Thistlewood the evening before the execution 'to take the last living leave of the unfortunate man'. Then it is clear that he has been shipped off to Guernsey. He writes gleefully enough at first, 'I see by the Times News Paper that Edwards the spy is in London!!!' and continually demands and receives more money. Then suddenly he loses his nerve at the public hatred and contempt: 'It really seems I shall find it difficult to obtain a Resting place, for everyone seems to Rail against me (instead of which I anticipated praise from all).' Soon he is praying to leave the island: he fears death: he will go anywhere. A man named Ivory has told him of a rumour that Edwards the spy is on the island. He becomes hysterical and has to apologize. Then we hear of him preparing to go either to the East Indies or Cape Town, preferably the latter.

Edwards' end was squalid enough. It is recorded in a letter to the *Newcastle Chronicle* of August 30th, 1890, signed John Bedford Leno. Mr. Leno gave no authority for his statements, but there seems no reason to question them:

'For the dirty work Edwards did in entrapping the conspirators,' he wrote, 'he was rewarded by a good round sum, and a passage to the Cape or elsewhere. He soon sickened of being abroad, and made his way back to England, where he adopted the name of Johnson.

'He managed to get employment at Somerset House, and in that employ he remained till length of service entitled him to a Government pension. He then took to reside in one of a small row of cottages at Whitton, near Houndslow, owned by a Mr. Kyezor, a watchmaker or dealer in Tottenham Court Road, where he was noted for having a peck of watches standing in his shop window.

'One day, about the year 1869, Kyezor was superintending the repairs of these houses, and caused the persons engaged by him to throw some rubbish in Edwards', alias Johnson's, pathway. The latter resented this interference with his comfort. To this the landlord replied that if he did not pay the rent then due, he (Kyezor) would immediately put the broker in possession.

'A day or two afterwards, Kyezor was again engaged in giving instructions to the workmen, when Johnson armed himself with an old horse pistol, stepped into the roadway, and shot him dead. Retreating to the closet at the back of the premises, he seems to have reloaded the pistol, and a few seconds later a second report was heard by the neighbours. On going to see the cause, they

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found this vile and hoary scoundrel drenched in his own blood.'

But for the moment victory rested with Sidmouth and the Government. Alderman Woods never investigated the Guernsey rumour, and Edwards was never found. Worse than that, the reformers' movement remained honeycombed with spies. Besides Edwards, whose usefulness was over, we have noticed W - r (Walker of Manchester?), 'B' (Banks), and Bowden: Adams also became a professional King's Evidence now. As soon as the case was over, other spies took up the task. There is one, who does not sign at all, who is watching Alderman Woods. There is I. S., whose identity is unknown, whose reports are full and venomous. N. Hickman offers to be an informer, and is accepted. On top of this are the reports of Abel Hall, one of the most active members of Mrs. Thistlewood's Committee, who was exposed by a Mr. Harmer while he was coolly working up a plot to secure the hanging of Wilson and others who had only just escaped the noose.

No one in the reform movement could trust his fellows. They were paralysed by suspicions. Not for twelve years was the tyranny they hated to be shaken and altered, though but two years later one of their worst oppressors, Castlereagh, cut his own throat and was buried amid scenes of unexampled public rejoicing.

A REGENCY BUCK'S MURDER

'His throat they cut from ear to ear,
 His brains they battered in,
 His name was Mr. William Weare,
 What lived in Lyons Inn.'

A HUNDRED years ago there was not a man in England who did not know the ballad of which that is a verse. The case of John Thurtell (or Thurtle) and William Weare excited interest such as had never been roused before. Large sums were paid for the gig and the bald-faced horse which had witnessed the murder. They appeared as a 'turn' on the stage of the Surrey Theatre. Even leaves and twigs from Gill's Hill Cottage garden commanded a price. Every journal had its 'horse express' waiting at Hertford to carry the last details of the trial, down to the most trifling blunders of the witnesses. ('Was the supper postponed?' — 'No, it was pork'. 'I knew he was a gentleman, because he kept a gig.')

On Thursday, October 23rd, 1823, there was a small group of men in Rexworthy's billiard saloon, Spring Gardens, London. Rexworthy's has long ago disappeared with the hard drinking, hard riding, and hard gambling days of George IV. Even in 1823 it was not in the first rank of gaming-houses: it was dark and a little tawdry. Nor were the occupants of the room, even in those easy days, of spotless reputation. They were, it is true, well-known

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in sporting circles, but two at least of them were known for little good.

Two were seated at a table, to benefit by the failing light while they played a game called 'blind hookey': behind them and watching them there lolled another man. He was, in his own opinion, handsome though rather short, and had a magnificent, carefully cultivated pair of whiskers flowing over his high collar; but his face was in reality only saved from viciousness by its obvious weakness. He had an unusually fine baritone voice: he had the nerve and heart of a rabbit. His name was Joseph Hunt, his age was twenty-six. His occupation was supposed to be keeping an inn; in fact, he sponged or cheated his way through life at Brighton or elsewhere, using race meetings or boxing matches as his field.

The smaller of the two men seated at the table, William Weare, was an undersized, neatly dressed man with a hard cunning face, narrow and wizened, with very prominent cheekbones. He had just returned from Doncaster races with plenty of money in his pocket, obtained in his usual way. He was, indeed, a professional sharper: one of a gang of swindlers who frequented races and fights to pluck pigeons. Of the three in the room, he was by far the most adept scoundrel. It was his pleasure to pose as a gentleman of education; in fact, he was an ex-waiter from the Globe in Fleet Street. Distrusting bankers, he always kept his savings on his person.

REGENCY BUCK'S MURDER

Very few who knew the three would have hesitated to say that the third, John Thurtell, was the best of a bad lot. Tall, not unhandsome, with a pale pock-marked face, grey eyes, and a high forehead, he looked and was an athletic and healthy man. His light brown hair was closely cropped; his chin and mouth were clean-shaven. His lips were full and perhaps rather too protruding, his nostrils very large. From his rather theatrical manner it might be judged that he had pretensions as an amateur actor. To his friends he was known to be sharp tempered, perhaps rather a bully, but generous and good-natured when not crossed.

Thurtell, in fact, though only twenty-nine, held a position of some eminence. If his financial reputation was bad, few others could throw a stone. Why, it was commonly understood that the King himself, when Prince Regent, had been warned off the course at Newmarket. The 'fancy' — as boxing was called — and racing enjoyed a position in public esteem which they have not yet recovered. In those days all England, from the lowest to the highest, and particularly the highest, followed the fortunes of Tom Spring and Tom Sayers with the utmost attention; greater even than that enjoyed by Dempsey or Wills to-day. But at the height of its fame the sport was nearing its decline. In the Victorian age it became despised and forgotten: it was even persecuted as a nuisance. The reason was not so much the brutality of the sport, as was generally said, but its corruption.

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Meetings of the 'fancy' were signals for the gathering of the crooks of the whole country, but, in addition, disclosures like the recent scandalous Carpentier-Siki revelation were very common. In time it grew to be suspected that practically every fight was a cross, and that one or the other side was always bribed to lose. Even the greenest 'sportsman' kept his hand in his pocket, and the sport declined.

But in 1823 there were few visible signs of the coming end. Thurtell himself was, it is true, accused of arranging with the men he backed and trained to fight a cross on occasion. Borrow, in the *Romany Rye*, makes Jack Dale, the jockey, deny it: 'He had good qualities, and I know for certain that he never did half the bad things laid to his charge; for example, he never bribed Tom Oliver to fight across as it was said he did on the day of the awful thunderstorm. Ned Flatnose fairly beat Tom Oliver, for though Ned was not what's called a good fighter, he had a particular blow which if he could put in he was sure to win.'¹ Thurtell, as fight promoter and patron of the ring, aspired to, and was on the way to attaining, the position of arbiter held by 'Gentleman Jackson'.

¹ *Romany Rye*, chap. 42. Borrow is probably right. Painter ('Ned Flatnose') had a shoulder which was very easily put out, and caused him to lose many fights and be thought a poor performer. But if this accident did not occur, he was possibly the most terrific hitter in the ring. The Painter-Oliver fight was the most famous promoted by Thurtell.

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(Gentleman Jackson was the boxer who won the championship off Dan Mendoza by seizing the Jew's long hair, dragging his head back, and beating his face until he was silly. Very gentlemanly indeed.)

Jackson, however, did not confine himself to training and selecting likely boxers, but did sometimes, though rarely, fight himself. Thurtell, even when he appeared once as a second, did so anonymously in order not to pass out of his character as gentleman and patron. Once, it is true, he appeared in the ring. Carter, then known as the 'Lancashire hero', was down on his luck, and Thurtell offered to impersonate the famous Martin in a fight with him up north to bring him some money. Unfortunately, a rider from London turned up before the fight who alone of the audience knew Martin by sight, and began to protest that Thurtell was not Martin. Thurtell silenced him characteristically: 'Do you think, sir, that *one, two* on your nose would convince you of your error before this company? If not, sir, you shall have *three, four,*' — 'Oh yes, I perceive my mistake'.

Thurtell lived luxuriously, and his open barouche and excellent horses were a frequent sight on the Ipswich road, with himself and his mistress inside, a bouncing young blonde named Mary Dodson. Where he got the money from for it all was uncertain. Very probably he cheated at cards and, like his friends, practised the trade of a race-course

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sharp. He, like Weare, was in touch with a certain Lemon, or Lemming, who, according to *Bell's Life*, directed and controlled the operations of a big gang of rooks and flashmen in the London sporting world. But it is doubtful if from these sources he received a sufficient income. Indeed, he was still partly living on credit, and was near the end of his tether. At the last big fight he had promoted — Hickman ('The Gasman') *v.* Neat, Dec., 1821 — he is supposed to have lost heavily when Hickman went down: since then he had gone into certain business adventures which turned out badly.

His father was a well-to-do Norwich merchant, and after Thurtell's brief career as a naval lieutenant was over, had set him up as a bombazine manufacturer near Norwich, in partnership with a man called Giddens. Thurtell neglected his business, and spent his time running up to town. By 1818 Thurtell was well acquainted with boxers of bad character, like the Belascoes, with sporting flaneurs like the once-famous Pierce Egan, and with plain crooks like William Probert. Thurtell & Giddens, naturally, went bankrupt at the beginning of 1821. John, with one of his numerous brothers, Tom, then came up to London, and attempted, with the aid of Mary Dodson's charms, to make a success of running an inn — the 'Black Boy' in Long Acre. Here they came into close contact with Probert, who was nominally a wine-merchant, and who had more than once seen the inside of a prison. He

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was a vast bulk of a man, brazen-faced, and of all the characters here described the least likeable. There was no crime of which he was not capable, if he could save himself, and he had not the least trace of loyalty even to his fellow swindlers. His line of business was the long-firm fraud – buying goods on credit, selling them for cash, and going bankrupt or disappearing when the time came to pay for the original supplies. John and Tom Thurtell followed the example of this man, five years their senior, and set up again as cloth merchants, with a warehouse in Watling Street, sold goods quickly at a heavy loss, and when the bills fell due, fired the warehouse and claimed insurance money. Unfortunately, the Fire Office was fighting the claim, and Thurtell was by now very much in Queer Street.

On this evening, of which we have spoken, Thurtell was losing very heavily to Weare. Thurtell never played for low stakes, and Weare never played straight. Before it was dark he had lost about £300, which he paid Weare with evident reluctance. Then he asked Weare for £5 as a loan, which was refused. Controlling his anger, Thurtell continued to talk to him and invited him to come down to Hertfordshire for some shooting at Gill's Hill Cottage, Radlet, owned by their common friend Probert. They could go the next day. Weare assented.

Next day Weare called in at Rexworthy's about lunch-time, told Rexworthy that he was going to

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meet Thurtell and said good-bye. He was never seen alive again.

* * *

Gill's Hill Cottage was in a fairly lonely part of the country, lying off the road between Elstree and St. Albans. On the Tuesday after the Friday of Weare's disappearance, a Mr. Nicholls, a farmer, called upon the magistrates who were holding a session at Watford; to say that a friend of his, Farmer Philip Smith, driving home in that quiet district on Friday night, had heard 'the report of a gun or pistol, followed by deep groans, which continued for a minute or two and then died away, as if the person who uttered them had expired'. Also, that a labourer had found in Gill's Hill Lane a pistol in a ghastly condition, covered and choked with blood and hair and brains. The magistrates, much alarmed, sent one of their number to inspect the spot, and found unmistakable traces of a man having been murdered there (by the great effusion of blood) and dragged through the hedge into a ploughed field.

Alarmed beyond measure, they sent for assistance to Bow Street, and George Ruthven, a 'Bow Street runner' and detective of unusual acuteness, came down to take charge of the case. Probert and his wife were arrested on suspicion, and soon after Ruthven, after inquiries at Gill's Hill Cottage, went back to London and arrested Hunt and Thurtell, who had made no attempt to escape. Thurtell indeed appears to have thought he was

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being arrested in connection with the Fire Insurance case.

There was no body found, and no possibility of an inquest, but the magistrates held a judicial inquiry. Evidence was given to prove that Thurtell and Hunt had been seen driving down on the day, and that Thurtell had been seen searching for something in the place where the pistol was found. Rexworthy told of his last meeting with Weare. Thurtell, examined, denied having seen Weare for the last week. The pistol in his pocket was one he had found near Probert's cottage. He did not have a pair of them. 'The other pistol,' says *The Times*, 'with the blood and hair adhering to it was then slowly exposed to the view of the prisoner, and his countenance and manner underwent a change too striking to escape the notice of the most careless observer. His complexion, naturally sallow, assumed a deadly pallor, and he appeared to shudder and shrink backward at the sight of the weapon.'

Hunt was informed that if he confessed he would probably be admitted as King's Evidence. He jumped at the chance and told an inaccurate story, the gist of which was that he and Probert drove down on Friday to the cottage, and that John Thurtell arrived later, saying he had done away with Weare. Later he told them the body had been thrown in Probert's fishpond, and, upon Probert protesting, Thurtell removed the body to a certain marsh, which he described.

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The important information was now gained, and the body was found, in a dreadful condition, but still recognizable as Weare's, at the spot indicated. An inquest was held, at which similar evidence was repeated. Probert also put in a confession, which differed in places from Hunt's. Hunt was examined upon his confession, his purchasing a sack, cord and spade for Thurtell, his wearing Weare's clothes, his singing to the company after he had just been informed of the murder, and particularly his receiving £6 from Thurtell. Dr. Ward, a local doctor, gave evidence showing that Weare had been the victim of crazy ferocity. His throat had been cut, his teeth knocked out, and the barrel of a pistol rammed right into his brain. The jury returned a verdict of 'wilful murder' against Thurtell, and against Probert and Hunt as accessories.

Pending the trial for murder, the police made two further arrests – Anne Noyes, Mrs. Probert's sister, and Tom Thurtell – both of whom were afterwards released. Sir Richard Birnie, of Bow Street, ordered the Margate police to arrest the mysterious Mr. Lemon, but he escaped to the Continent. Public interest in the trial became enormous: crowds attended at Hertford even for the formal proceedings of the Grand Jury, which returned a true bill. The trial was fixed for January 6th, 1824, and Mr. Justice Park found it necessary to warn all the Press against the disgraceful publications of 'accounts of the murder'

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in which it had been indulging. It was announced that Probert – not Hunt – would be King's Evidence: otherwise, the evidence of Mrs. Probert could not have been used against the prisoners.

Long before the time of the trial, Hertford was packed out with inquisitive visitors. Drink flowed freely all night in the days just before. Many of the witnesses were far from sober in court. At 7.30 in the morning the window panes of the court were steaming with the heat of the great crowd. The disorder was extreme: the defendants' attornies could scarcely force their way in, and quite early on in the case an uproar was caused by a number of sporting gentlemen fighting their way into the gallery with a maximum of noise.

Thurtell perhaps was the least moved. Pierce Egan, who saw him on the day of the Grand Jury trial, wrote: 'I never saw Thurtell look better; in fact, his personal appearance was altogether improved. He was fashionably attired in a blue coat with gilt buttons, a yellow waistcoat and dark trousers. His irons, which are rather heavy, were tied up with a silk handkerchief. His shirt and handkerchief white as snow; his pin tastefully displayed, and his collar and wristbands corresponding with the style of the present period.'

Thurtell showed great vivacity in the conversation "What a piece of work this affair has made, a'nt it?" – feeling for his snuff box and looking down at his fetters – "What a parcel of lies the papers have inserted against me, and in addition to

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which they say I am sullen and dejected. Do I appear dejected?" – laughing – "Those who know me well know I have done nothing to be dejected about. . . . I indeed kill Weare and take his money! It is well known that I have been more duped than engaged in duping others, and when I first entered the sporting world no person behaved more honourably than I did, or spent his *blunt* more freely. There was but one individual who stood to be shot at like myself – and that was the late unfortunate Elliott. Did I not make a fight at Norfolk for £100 a side when I could only collect seven pounds, although I was surrounded by all the swells from the metropolis and 35,000 persons were present" – the recollection of this circumstance seemed to give him pleasure as he smiled and was quite animated.'

When the Court at last opened, Probert was formally acquitted, and Mr. Gurney addressed the jury for the Crown. 'In several of the most appalling parts of his statement there was cold drawing in of the breath, and an involuntary murmur throughout the whole Court', wrote a witness. Thurtell alone was unmoved: his demeanour was confident, but not brazen; he watched counsel coolly with his deepset eyes under bushy eyebrows, his full lips pressed forward, and the folds of his chin thrust into prominence by his high stock, with less excitement than he had often shown at the many fights he had promoted. Hunt, on the other hand, seemed shrunken, flabby, and abject.



WM PROBERT.



JOS. HUNT.



JNO. THURTELL.

PROBERT, HUNT AND THURTELL.
From a print in the British Museum.

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Mr. Gurney stated that the case for the Crown was, in brief, this: Thurtell and Weare left London for Gill's Hill in a gig that Friday afternoon, Probert and Hunt followed in another. Probert and Hunt passed Thurtell and Weare on the road, but were repassed by them while drinking at the public-houses on the road. After dawdling for awhile, Probert put down Hunt at a place near Edgware, by Thurtell's request as the latter said, and went on to his cottage, meeting Thurtell on the way. Thurtell told him that he had killed 'that Weare' without Hunt's aid; Probert fetched Hunt back, and they dragged the body through the hedge from the lane where it was lying in a pool of blood and rifled it of all its property. They then sat down in the cottage to a large meal of pork chops, of which Hunt ate five. Thurtell presented Mrs. Probert with a gold chain taken off Weare's body, hanging it round her neck. Hunt obliged the company with some songs. During the night all three went out again, removed the body to Probert's pond, and shared the booty, amounting to a few pounds each. Mrs. Probert, whose suspicions had been aroused, was watching from a window. On Monday, assisted by Probert, Thurtell removed the body in a gig to the marsh where it was found.

The evidence called, for the earlier part, followed the lines expected. The body was identified: Dr. Ward's account of the cause of death could not be shaken. An unexpected weight of evidence was

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put in from ostlers and waiters from inns along the road, which conclusively traced the four men – Weare, Thurtell, Hunt and Probert – most of the way to Gill's Hill on the fatal night. Then the giant Probert was called, and took his place with insolent confidence. 'He stood up against Mr. Gurney's exposure with a face of brass. Indeed, he seems to fear nothing but death or bodily pain. His grammar was very nearly as bad as his heart'. Upon his evidence the case rested, and he confirmed in every detail the story told by Mr. Gurney. There was, indeed, though it was not noticed until later, a curious flaw in his evidence. According to the times given by other witnesses, it took Probert's horse an hour and twenty minutes to do the three miles between Edgware and Elstree – during which time the murder was committed. Ruthven personally believed that he was present at the murder, holding the horses' heads. It is suggested that he then drove off rapidly round Aldenham Common and rejoined the main road from the south, entering Elstree as if he had come direct from London. Probert detailed with complete indifference the story of Thurtell, he and Hunt going to pillage the dead body, stripping it, tying it in a sack and sinking it in the pond, and on Sunday putting it in the marsh.

The defence, in cross-examination, confined itself to proving Probert a man of bad character – not a difficult task. He was followed by Mrs. Probert, plain and very affected, whom he had

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married for money. She told of watching, during the night, two persons dragging something heavy in a sack across the walk in front of the cottage. She had heard Hunt say to Thurtell: 'Let's take £5 each'. The rest of the day was occupied in evidence of the buying of the pistols by Thurtell, the hiring of the gig and horse, and more ostlers' evidence tracing his progress along the Edgware road that Friday with Weare. The afternoon was growing late, and Mr. Justice Park adjourned the Court till the next day without calling upon Thurtell to make his defence.

Thurtell, next day, 'looked as though he had passed a good night; yet he must have been busy in the brain through all the dark hours'. Even a less acute man would have realized that the weight of evidence against him was overwhelming, and he had only a handful of witnesses to character to call, but every one who heard him agreed that if self-possession, eloquence, and the bearing of innocence could have saved him that day Thurtell would never have been hanged. His deep tones carried to the remotest corners of the Court. If his manner was a trifle theatrical, the audience was not prepared to be critical. He complained justly, in his opening words, of the attitude of the Press, which had unanimously assumed his guilt. He admitted that he was well-known in gambling and sporting circles, but claimed in extenuation that 'half the nobility set the example'. He detailed his past life and financial troubles, in which he

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portrayed himself not as the rook but the pigeon. He urged that Probert's evidence was worthless, and that apart from that evidence there was nothing to show that the murder had not been committed by Probert and Hunt. He stressed the vileness and worthlessness of Probert. Then – obeying, it is said, an unlucky suggestion from an outside friend – he began to read to the Court case after case from the Newgate Calendar, or similar records, of persons who had been convicted on apparently convincing evidence and found later to be innocent. The Court was puzzled as case after case, having no bearing on the evidence that had been heard, was read out. Thurtell lost the attention of the jury: a buzz of conversation arose, and the feeling was general that his case was very weak if he had no better defence than this. Gradually he undid all the good impression he had created until, realizing what was happening, he thrust aside his papers and resumed, almost with relief, his direct address to the jury. 'Cut me not off in the midst of my days,' he cried. 'I ask not so much for myself as for those respectable parents whose name I bear and who must suffer my fate. Gentlemen, I am incapable of any dishonourable action. Those who know me best know that I am utterly incapable of any unjust and dishonourable act, much less of the horrid crime with which I am now charged. There is not, I think, one in this Court who does not think me innocent of the charge. If there be, to him or them I say, in the language

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of the Apostle: "Would to God ye were altogether such as I am, save these bonds".'

His voice became slow and solemn, his eyes lighted up, and his face and chest were thrust forward as he delivered his last words, and the last word of all, extending his arms, he cried with almost gigantic energy, 'Gentleman, I have now done. I look with confidence on your decision. I hope your verdict this day will be such as you may ever after be able to think upon with a composed conscience, and that you will also reflect upon the solemn declaration that I now make — I am innocent, so help me God!'

Perhaps Thurtell would have lived if he could then have turned to the jury to demand their verdict. But the impression he had made was dimmed while his poor four witnesses testified to his character, and then, after that, while Hunt's defence was read for him. This latter was in effect a complaint that he had been induced to confess and discover the body on a promise of pardon which had not been fulfilled. Then the judge summed up.

Mr. Justice Park, if rather pompous and foolish, was unbiased and laboriously attentive to detail. It would not be true to say that he summed up against Thurtell. He did not need to. He went carefully through the evidence, and as he recited it, the net seemed to close round the prisoner. He closed his charge to the jury without a specific indication one way or the other.

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The jury retired at half-past three, and twenty minutes later returned. 'Guilty.' The foreman was in tears, Hunt sobbed aloud, Thurtell alone retained his self-control. His counsel, Mr. Chitty, became nearly incoherent with distress. He prevented the judge from giving sentence by moving an arrest of judgment, in a long and confused speech, from which it appeared that he was arguing that the trial was void, under a Statute of Edward VI, because it had begun upon the Epiphany, a holy day. He 'ventured to remind his Lordship' of the story of Lord Mansfield, who proposed to sit upon Good Friday, and was told, 'Then your Lordship will be the first judge who did so since Pontius Pilate'.

'But not the last,' replied the astonished judge, and pointed out to Mr. Chitty that thousands of sentences and decisions were now void if his argument was correct. Turning then to the prisoners, he addressed them in words which were not unsuited to the occasion, and which showed that he was labouring under a deep emotion, and then passed sentence of death in the usual form.

Hunt was allowed the respite of transportation, but there was no pardon for Thurtell. He showed for the first time some emotion, saying to his brother, 'God bless you, Tom: there are nine of us to-night: there will be eight of us to-morrow'. But he slept comfortably for the two nights that remained to him. He said cheerfully to his warder: 'Why, I understand that when you *round* (hang)

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people here you put them in a *tumbler* (cart) and send them out of the world with a *gee-up*, *gee-who*; and I suppose my ears will be saluted by the smack of the whip, but this is rather an old-fashioned and ungentlemanly way of finishing a man.' He did not confess, unless admitting that he had had a fair trial be a confession.

His sporting friends, on whom he trusted, attended in crowds to see him hung upon January 7th, another Friday, and disputed who had the honour of receiving his last nod. He was not hung in the old-fashioned way after all, but was the first man to be hung by the new 'drop'. His neck 'went off like a pistol', Borrow used to say. The moment he was dead, four horsemen who had been waiting on the outskirts of the crowd raced off to London.

Hunt was deported to Australia. Next year, Probert was arrested for horse-stealing, convicted, and sentenced to death. He relied upon the usual commutation, which was not forthcoming, and he died on June 20th, 1825, in a state of great terror.

Such was the end of three sporting men. While it cannot be denied that Thurtell committed the murder, there is still a shadow of mystery over the case. There are two questions that have never been answered. What became of Weare's money? And, perhaps connected with that – who was Lemon? Weare had at least £2,000 on him when he was murdered. Some of the numbers of the

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notes were known, and advertised for. But they were never found: Thurtell appears to have disposed of them somehow. As for Lemon, Mr. Watson, in his essay on this trial, casually compares him to Jonathan Wild. It is clear that he was the head of a gang to which Thurtell belonged. He only just escaped arrest on a charge connected with the murder. Finally, there was a persistent rumour that the four horsemen who rode to London immediately after Thurtell died were not newspaper correspondents, but agents of Lemon carrying the news that Thurtell had died without making any revelations.

Did Thurtell pass Weare's money on to Lemon? Did he murder Weare under Lemon's instructions? And why?

THE LAST INSURRECTION

IT is not to be denied that the passing of the great Reform Bill in 1832 is a landmark in English history. Here, rather than with the accession of the Queen, began the period we call the Victorian Age. The passing of the Act shifted political power from the hands of the landed oligarchy into those of the small and large manufacturers and traders. It did more than that. It marked the end of the social and political power of the belated and deplorable relics of the eighteenth century, who ruled England under George IV and modelled their morals and habits upon the sons of George III. Now, with the reign of Victoria and Albert, a new and healthier class took the place of a debauched landed oligarchy. The breach of the Tenth Commandment took the place of that of the Seventh. By a judicious mixture of force and persuasion, a new profit-making class took power in 1832. The England of factories definitely ousted the England of great country houses.

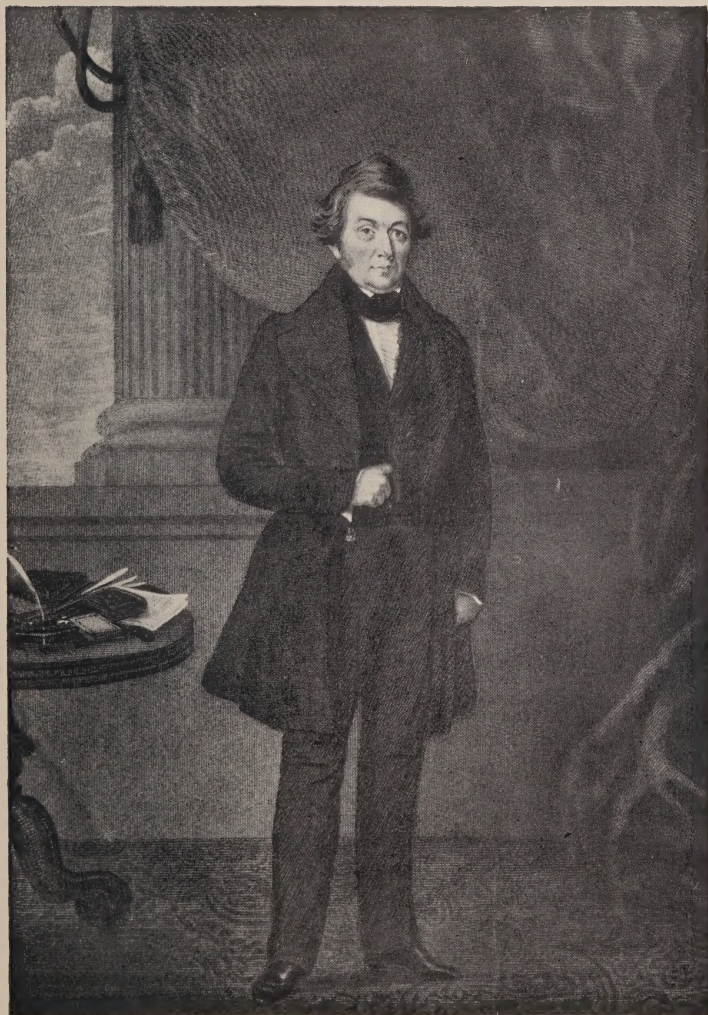
In overturning the landlords, the middle-class revolutionaries had struck heavy blows at their political philosophy, which derived directly from mediæval times, and which was well summed up by James Boswell as 'the grand scheme of subordination'. They had won their victory with the aid of the working-class masses, and had talked to them of the right of every Englishman to liberty. But

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the Reform Bill merely secured the franchise to the middle class – the working-class was left outside. The workers had been tricked. They were enraged: some of the middle-class reformers were ashamed.

The operatives were taught in 1834, two years later, that the new Government would be as relentless in smashing trade unions as the old. They turned, with a fierce revolutionary ardour, to political methods. Could not they repeat the *coup* by which the middle-class Whigs had driven the landlords from power? The Chartist movement swept up like a great wave in 1837, based upon the famous Charter, a bill whose passing would have meant the gift of the franchise, and thus, it was hoped, of political power, to the workers. The movement contained both 'moral force' Chartists, who believed only in an appeal to reason, and 'physical force' Chartists, who were prepared for revolution. It grew at one time till it had three or four million adherents, and many believed at the time that Queen Victoria and the British monarchy nearly ended suddenly in the 'thirties or 'forties in a second Commonwealth. One of the most critical moments was the year 1839, when the once famous Mr. Frost appeared in history.

John Frost was a draper of good standing in Newport, Monmouth. He had been active in the Reform movement in 1832, and had gained a reputation for humanity as well as ability. He had saved two noblemen, Somerset and Beaufort, from



JOHN FROST, LEADER OF THE CHARTISTS.

From a print lent by Mr. G. D. H. Cole.

a probably well-deserved thrashing by the crowd at the Monmouth election of 1832. His capability and influence over the general people of the district was recognized some time after the victory of the Reform Bill by his election as Mayor of Newport and later nomination as a J.P.

It would have been well for him if he had done as so many others did after the Reform Bill: taken the honours given him and forgotten that 'the people' had not been enfranchised, but only a section of the middle class. He was too conscientious and methodical a man to do that. The same virtues of punctuality, order and method that made him so successful a retailer, forbade him to accept this shoddy article for the real enfranchisement of the people that he desired. He had not, so far as we know, any further ambitions than that. 'There was never', he said at his trial, 'any talk of a distribution of property other than what exists.' For him the Charter, of which he became an adherent, carried no more meaning than was written in its terms. Universal Male Suffrage, Annual Parliaments, Secret Ballot, Payment of Members — these he desired because he believed, with all the rest of England, that they would bring real freedom to the working masses of Great Britain.

His advocacy of these principles secured him great affection and trust in Monmouthshire. The barren hills and moors of the county had been only recently broken and tunnelled into by a new population who had been crowded into the region by

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the coal-owners. No Unions, no modern appliances or Acts safeguarded lives or limited the hours of the colliers. Death and disease took an unchecked harvest of the men, women and children, who all alike had to work down in the mine depths. Great suffering, much degradation and discontent resulted among the 40,000 workers who inhabited a countryside where fifty years before there had been barely forty shepherd huts. 'Ignorance', lamented the learned Attorney-General, 'prevails there to an extent very much to be deplored, and many of the people who live in this district are subject to be practised upon by designing men.'

'Designing men' were not lacking. In the year 1839 the Chartist movement was in its first strength and not seriously disunited. A Convention of Chartist delegates met in permanent session at the beginning of the year to direct a campaign to culminate, as the campaign of 1832 had done, in terrifying the authorities into passing a new Reform Bill. Discussion and dissension over methods was considerable, but it was agreed for the while to let the 'moral force' Chartists, as they were called, try their methods out. A petition with a million and a quarter signatures – an unheard-of number – was presented to the House of Commons. At the same time a programme for a month's general strike was adopted.

In July the petition was rejected. The Convention then fixed a date for the general strike. Then it realized that its power to carry it through was

very doubtful, and called it off again. The whole movement seemed to have ended in collapse.

The matter was not allowed to stay there. The 'moral force' men had led them to disaster; there were others, the 'physical force' men, who would take things over. Frost of Wales, Taylor of Birmingham, Bussey of Yorkshire, and some others, met after the Convention had risen and made arrangements for an armed rising. Sheffield, Birmingham, Cardiff and Newport, and the cotton districts of Lancashire, were held to be ready to rise. There were spies about, and the negotiations were, and are, covered in obscurity. It seems clear, however, that certain national plans were laid down at a private conference at Heckmondwike in the autumn, attended by forty delegates. There Frost reported that Wales would not wait. The arrest of Henry Vincent, their favourite orator, about this time had brought the Chartist miners' rage to boiling point. It was agreed, upon Frost's report, to embark on a national rising at a given signal.

The delegates went home to prepare it. The Monmouth Chartists were organized in sections of ten, each headed by 'a good, staunch, independent brother.' Five of these sections of ten were under another officer; three of these larger companies formed a brigade, and three brigades were under an officer who would command about 1,500 men. The officers and divisions 'had by-names, not military names,' and the open organiza-

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tion by lodges existed as well. Monmouth was solidly behind Frost, but at a local conference held at the end of September, Merthyr, Aberdare, Abersychan and Pontypridd showed themselves difficult. Their absurd delegate, Dr. Price of Llantrissant, declined moving unless he was provided with a list of 1,000 persons to be killed – soldiers, be it said.

Then there was a further check – over which indeed the darkest obscurity reigns. But it appears that Feargus O'Connor, the Irish orator, who already had some sort of leadership of Chartism, was warned of the outbreak and sent out emissaries to stop it. George White succeeded in smothering the revolution in Yorkshire and Lancashire: Charles Jones was sent down to Frost. Frost heard his message and told him: 'I might as well blow out my brains myself as try to hold back the Monmouth lodges now.'

Even after O'Connor's emissaries had done their task, there was still some national organization of revolution left. The prosecution alleged afterwards that the Monmouth men were to give the signal for a general rising by blowing up the Newport bridge over the Usk. This would prevent the mail leaving for Birmingham, and its non-arrival there within an hour and a half of the usual time would be the signal for a rising. 'There was to be a general rising through Lancashire and throughout the Kingdom and Charter law universally established.' That this was the exact plan seems

doubtful: the Newport mail joined the Birmingham mails at Bristol, and whether or no the Newport mail was held up the mail coach would arrive in Birmingham at the usual time, carrying the Bristol letters. But it seems sure that there was some connection between Wales, Birmingham, and the North, and that the capture of Newport was to be the sign for a general insurrection.

Frost's two lieutenants were Zephaniah Williams, an innkeeper, and William Lloyd Jones, a watchmaker. They fixed on the night of November 3rd as 'the day.' On that date they would enter Newport at two in the morning and seize the town before the garrison was capable of resistance. This would give the signal for the English revolt: for themselves they would proceed to Monmouth to free their beloved Chartist orator, Henry Vincent, lying there in prison.

On the night of the 3rd of November, the Chartist army was on the move. They were in three divisions, composed, of course, almost exclusively of miners. The first column, under John Frost, in a flaring red tie, consisted of the Lodges of the extreme west of Monmouthshire. It was to assemble at a place called Blackwood, near the Rhymney, and cut across country to Abercarn and down to Risca, which is some four miles from Newport. Here it would meet the two other columns - Zephaniah Williams', which was to come down country twenty miles at least, from Nantyglo in the North, and William Jones', which

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had merely to come from Pontypool, a journey no farther than Frost himself had to make.

Frost, in the afternoon and evening of November 3rd, fixed his head-quarters duly at Blackwood, in a public-house. The Chartists' arrangements, which are secret to this day, must have been fairly effective, for several thousands fell in. They were armed, for the most part, with home-made pikes and spears; but a fair number had guns and pistols, with ammunition; while others brought 'an instrument called a mandril, which is made of iron and used for picking coals in the mines; resembling a pickaxe in shape, a very dangerous and deadly weapon if used as a weapon of offence.' They had been drilled a little but not enough, for though they started off bravely enough in rank they had not gone far before the main body dissolved into a general mass, walking along as easily and casually as any peaceful procession. More disorganization was caused by their impressing all the miners who were unfortunate enough to live on the line of march. Their numbers were increased by this, but their morale was ruined by the presence of so many who were only anxious to run at the first opportunity.

When they got up on the hillside on their way to Abercarn, they were met by the most terrific storm. The rain and wind that sweep over the Welsh moors can be terrible enough under ordinary circumstances, but this was 'the darkest and most tempestuous night known for many years.'

The night was pitch black, neither moon nor stars could be seen, and they had to guess their way over the rough roads. Up on the heights they were helplessly exposed to the wind which raged with appalling violence, howling like a living thing. The rain descended in sheets, soaking them through and through. Time and again they had to stop to clean and dry their muskets. They were more than a little cold, damp and discouraged when they descended into Risca to meet the other columns.

No one was there. They took shelter as best they could, in doorways – or public-houses, and waited. They must have waited nearly four hours, for day was breaking before they decided not to wait any more, but to go forward and capture Newport themselves. They formed some sort of order again and moved on down the road to Newport.

Only ten minutes later Zephaniah Williams' column entered the empty town to Risca. It followed Frost down to Newport – ten minutes behind all the way. Jones had only reached Malpas.

Frost's men, after halting twice again to look at their muskets, approached the outskirts of Newport, passing by the length of Tredegar Park, and past Court-y-Bella. One of the songs they were singing has been preserved:

I have seen the poplars flourish fast
While the humble briars bound them,
I have seen them torn up by the blast
Of elements around them.

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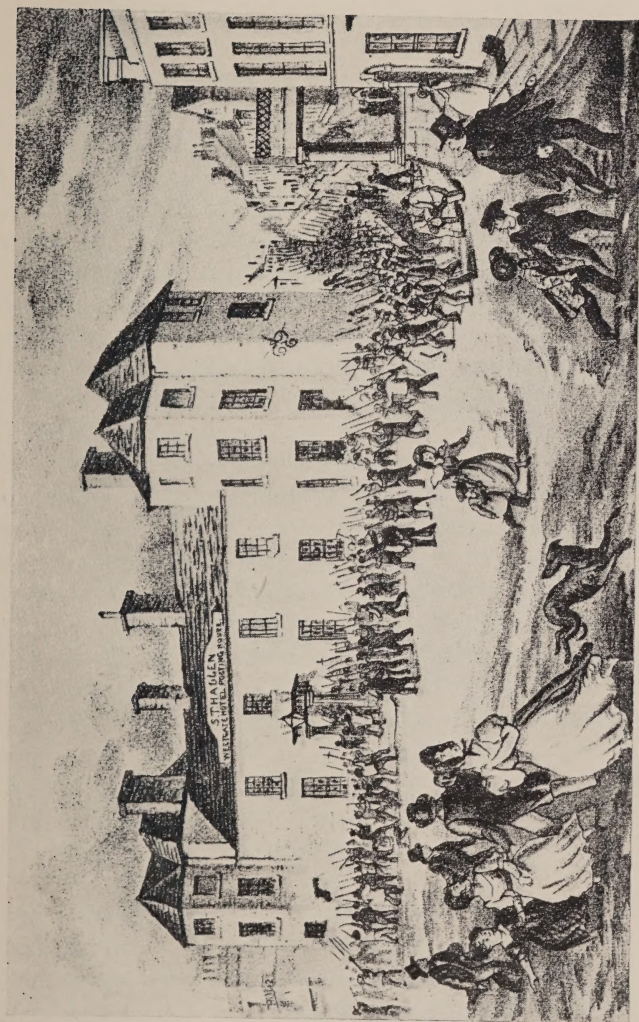
The lightning flashes through the sky,
The thunder loud roars after,
O scorch, burn the oppressors! Why?
Because they withhold the Charter.

Then rise, my boys, and fight the foe,
Your arms are truth and reason,
We'll let the Whigs and Tories know
That Union is not treason.

Ye lords, oppose us if you can,
Your own doom you seek after,
With or without you we will stand,
Until we gain the Charter.

Inside Newport the authorities had got wind of what was on. They had rounded up a number of Chartists and put them under guard in the Westgate Hotel. A number of special constables and a small detachment of soldiers were also put in to guard the Hotel, though it seems that Frost knew nothing of the presence of the soldiers. Anyway, when his irregular army, some four thousand strong, marched down Stow Hill and wheeled round to the front of the Westgate Hotel, they behaved as though they suspected nothing.

The windows were shuttered and barred, and nothing was to be seen but a few special constables, who fled inside, after replying, 'No, never!' to a demand that they surrender the prisoners. The Chartists were firing aimlessly into the air, doing no injury if creating alarm. They attempted to



THE CHARTIST ARMY ATTACKING THE WESTGATE HOTEL.

From a print in the possession of the author.

follow up the special constables through the front door. Just as they were pressing through, the shutters of the windows on the ground floor were thrown open, exposing the soldiers who had been hidden up till then. The military instantly fired a volley into the mass of the crowd. They were in a commanding position: the Chartists were packed into an open square beneath them. Every shot told; there was no possibility of escape: the miners were caught like rats in a trap. The soldiers swore they only fired one volley (and the defence at the trial had good reason for not questioning that), but the ten or more dead and over fifty wounded prove this to be wrong.

As soon as they could, the outmanœuvred miners scattered and broke, running down every turning. Those who were trying to storm the front door and had actually broken into the passage, resisted and fought for some while longer. They attempted to rush the room in which the soldiers were several times, but always 'faltered when they encountered their own dead.' The firing, all told, lasted ten minutes, and by then the passage and street were clear of all but the dead and wounded. For some time the soldiers prevented any aid being brought to the dying. Among the dead was a boy of eighteen who had sent this letter the night before:

DEAR PARENTS:

I hope this will find you well as I am myself at this present. I shall this night be engaged in a

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struggle for freedom, and should it please God to spare my life I shall see you soon; but if not, grieve not for me. I shall have fell in a noble cause. My tools are Mr. Cecil's and likewise my clothes.

Yours truly,

GEORGE SHELL.

As the flying miners went back along the road they ran into Williams' columns still leisurely advancing. Williams' men hesitated for a moment and then joined in the rout. Jones' column heard of the defeat by message and turned home.

The last seen of Frost that day was when he was walking with jerky steps among the mob past the walls of Tredegar Park, 'holding his handkerchief to his face, as if he was weeping'.

* * *

When the Chartists were on the march, genuine and hysterical terror possessed the shopkeeping classes; when Frost appeared in court the atmosphere was very different. All over the country the Chartists had been daunted by the Newport fiasco, and the police had seized their chance and arrested the most prominent leaders, including Feargus O'Connor. All was bombast where all had been terror when the Special Commission opened in December at Monmouth. Indeed, jealousy was almost open between the two rival heroes, Mayor Thomas Phillips of Newport and Captain Gray. Behind the precise and cold forms of the court, one can almost hear the urgent, nearly Oriental

cries for reward: 'Excellency! it was I! Excellency!' The Mayor, at any rate, who was a coal-owner, had determined to get a knighthood out of the affair, and in fact it was *Sir* Thomas Phillips who appeared in court. Frost was defended by one of the acutest and artfullest lawyers of the day, Sir Frederick Pollock, who detracted from the dramatic character of the trial by his appalling ingenuity in discovering technical legal flaws. The prosecution was conducted by the Attorney-General, Sir John Campbell.

The Chartist view of the trial – the real defence, which was never made in court – was that the insurrection was provoked by the Government. There were no less than twenty-five Chartists who had taken part in the march who turned up to give Queen's Evidence, and it was suspected that all along they had been police agents. There was also the curious affair of the Man in the Glazed Hat. There was a man, so attired, who upon the night of the revolution was seen at Frost's headquarters and delivered a false message to the effect that Williams and Jones had already started and all was well. Nor was he ever seen before or after. The Chartists believed him to be the chief organizer of the spies.

Rightly or wrongly, the Chartists did not use this method of defence, but followed their advocate's advice and represented the Newport affair as a mere demonstration which became by accident somewhat disorderly. By set intent, moreover, Sir

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Frederick Pollock protracted the proceedings intolerably. Every minute flaw was examined at length. At the opening of the case he induced the court to examine for a full day the question of whether the trial was not invalidated by the fact that the list of witnesses (which was excessively long) had not been delivered to the defence at the right time. Eventually the court agreed to reserve the point for the opinion of the judges in the Exchequer Court. In every case of slight misdescription of a witness's abode, or similar flaw, Sir Frederick and his junior outlined monotonously and at almost unbelievable length, points of law which legal etiquette compelled the court to treat as of profound importance. Gradually his aims were achieved: the angry or revengeful feelings of the anti-Chartists subsided and the judges and jury were possessed only by an overwhelming lassitude.

In this the Attorney-General greatly assisted by the huge train of witnesses he saw fit to call, who for the most part monotonously repeated the same story, which corresponds in many ways to that given above. There was a steady stream of on-lookers, of special constables vaunting their courage, of Chartists who had 'repented' and of spectators or partakers who had since been accommodated with jobs by supporters of the prosecution. The defence devoted its cross-examination, which was tedious, to showing that the attack on the Westgate Hotel was only a boisterous attempt to

release the Chartists imprisoned there. They also attempted to trap the witnesses into some absurdity or inconsistency, in which they frequently succeeded. The nearest approach to a sensation was during the examination of Mayor Phillips, when a great collection of crude Chartist arms – guns, mandrils and pikes – was poured out on to the floor of the court. Mayor Phillips himself, after covert attempts to secure to himself the glory of victory and of a wound in the seat of his trousers, cut a somewhat ridiculous figure when cross-examined upon his political speeches. It appeared that before the Reform Bill was granted he was in the habit of making violent revolutionary addresses. Captain Basil Grey, next examined, denied that the Mayor's orders had anything to do with the repulse at all, or indeed that any such orders were issued or regarded. It appeared to be his opinion that the firm bearing of the military alone saved the country from ruin.

The trial dragged on in this manner until January 8th, 1840, when the jury at last returned the expected verdict of 'guilty', but with a recommendation to mercy, and a similar verdict later against Jones and Williams. The more revolting penalties having been recently deleted, the three prisoners were merely sentenced to 'be taken hence to the place from whence you came, and be thence drawn on a hurdle to the place of execution, and that each of you be there hanged by the neck until you be dead, and that afterwards the head of each of

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you shall be severed from his body, and the body of each, divided into four quarters, shall be disposed of as Her Majesty shall think fit.'

Many other prisoners were tried at the same assize, but Sir Frederick's delaying tactics had served their purpose. The court was tired, and light sentences, or no sentences at all, were given to the other Chartists.

As for Frost, Jones and Williams, there was still the technical point that Sir Frederick had raised to go before the judges, which it did on January 28th. The point of law appeared to Lord Chief Justice Tindal to be sound, and this opinion he expressed, to the 'anxiety and dismay' of the Attorney-General, who could not conceive how a usually virtuous judge could permit himself an action that would save such lives as these. His fears were needless, however: the judges duly overrode the point of law. Nevertheless, sufficient time had been allowed for popular discontent to be developed, and Lord John Russell felt it wise to commute the sentences to transportation to Australia, which was duly carried out. Later still in 1854, when Chartism was in final collapse, they were pardoned, and in 1856 Frost returned to England, where he ended his days, a talkative old gentleman with a fiery temper and pronounced views upon the moral perversities of the Australians.

A VICTORIAN BOTTOMLEY

THE English trading and manufacturing class, when it had defeated the old Whig and Tory oligarchy on the one hand, and the Chartists on the other, could make of England what it chose. The *bourgeoisie*, not the old families, now gave the tone to England: their standards of morals, their habits of thought and their vices predominated. A different form of crime therefore rose from obscurity until it began to dwarf all others – commercial dishonesty. The business man was not tempted, as Lord Stourton was, to levy private war with his retainers upon his neighbour. He did not plunge into a reckless career of extravagance and gaming until he murdered a William Weare to gain a few pounds. He did not turn the House of Commons, as the famous Tory judge, Lord Ellenborough, said the Regency had turned the Lords, into ‘a confederate host of titled adulterers’. His interests and habits were different. His livelihood was gained by the making of certain entries with the pen on certain books and documents. Virtue consisted in making these entries truly and correctly: vice in making false and untrue entries. Bogus companies, not lovely women, beckoned him from the straight path: corrupt contracts were more attractive than violence, and faked balances than wine. Even into his illicit love affairs the Victorian business man managed

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to import a clerklike and methodical drabness.

Richard Palmer Roupell, in the earlier part of last century, was a very successful London lead-smelter. His factory was in Gravel Lane, Blackfriars, and he lived near to it in Cross Lane. At Brixton, at a place called Aspen House, he kept a mistress, with whom he regularly spent Saturday to Monday for many years. He had by her four children — John (whom he quarrelled with and sent abroad), William, Sarah and Emma. At last he seems to have realized that he might as well regularize his habits, and at the end of 1838 he married the lady. Thus his last son, Richard, born in 1840; was the only legitimate offspring.

Towards the end of his life the elder Roupell became extremely wealthy by the standards of those days. His fortune, largely in real property, was nearer £400,000 than £300,000. His illegitimate son William was his main assistant, who had a knowledge of all his affairs and acted as a sort of confidential secretary. (William, incidentally, was living very extravagantly.) Mr. Roupell died in 1856, on September 12th. It was found that on August 30th, 1856, he had executed codicils to a will of 1850, leaving the bulk of his property to his son Richard. But three days later, on September 2nd, it appeared, he had altered his mind and left all his property to Mrs. Roupell, William being sole executor.

Now master of a good sum of money, William Roupell, once ostentatious, became magnificent.

It was fortunate that he settled an annuity at once upon his mother, for money was poured out right and left, and it was not long before large blocks of the estate were being sold. His great ambition was to get into Parliament, and in the next year he got there. His election for Lambeth, which was celebrated by a triumphal procession round the mean streets of the borough, was really the result of bribery. It cost him just under £10,000 to carry the seat.

Once M.P., he failed to make the impression that he had hoped. His delivery was easy and fluent, and his opinions unexceptionable. But these and his 'gentlemanly carriage, ingenuous countenance and profusion of light beard' failed to signalize him among his fellows. Moreover, a petition was presented against him for corruption, and he was very nearly unseated, only saving himself by his 'manly frankness'. At the inquiry he repudiated any connection with corrupt practices, saying, 'If any man were to make any kind of dishonourable proposition to me, I would knock him down.'

Roupell sat as an 'Independent Liberal' and was, like Mr. Horatio Bottomley, actually a member of the House, though not attached to either party, when the crash came. His speeches in the House of Commons were infrequent, and according to Hansard's report, undistinguished in character. He appears to have had, or feigned, some interest in the Thames Sewage and succeeded in slightly

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amending the constitution of the Metropolitan Board of Works. He sat from 1857 to 1862.

Roupell was spending money too fast for even his father's estate to supply him. Furthermore, he was now being subjected to suspicious inquiries concerning certain properties that he had handled before his father's death. On the last day of March, 1862, anticipating complete ruin, he bolted from England to Spain, whence he knew he could not be extradited.

So far his career had been no more than an ordinary story of wastefulness and ruin. He was not the first M.P. to leave Westminster in great haste, and his name might have been forgotten if his brother Richard, now of age, had not commenced a series of suits which revealed an astonishing history of deception and forgery by the member for Lambeth. Not only were various frauds during his father's life ascribed to him, but the will itself was described as bogus.

The case that brought these sensational matters to light was a civil suit, for ejectment, brought by young Richard Roupell, against an unfortunate Mr. Waite who had bought real property off William Roupell. Richard Roupell's case was that William had become possessed of the property by forgery, and so the transaction was void, and Mr. Waite must hand the property back to him.

The case came up at Guildford, at the Surrey Assizes, in August 1862. Mr. Bovill, Q.C., who appeared for Mr. Waite, not unnaturally created

every obstacle that was conceivable. He demanded the most exact proof of every detail concerning the alleged forged will, until it began to seem probable that the prosecution must collapse on technicalities, despite the obvious truth of its contention. Then Serjeant Shee, leading for the prosecution, made up his mind. Never, perhaps, has a court been more astounded than when he announced that he would call William Roupell as evidence.

William Roupell, the criminal himself! The audience could scarcely believe their ears. But it was true. William Roupell had returned from Spain, whether because he was short of money, or because, as he said, his conscience would not let him rest, and he had determined to make a full confession of all his misdeeds.

Serjeant Shee, before calling him, made a lengthy speech recounting his career. He said that William Roupell had commenced his crimes by defrauding his father in 1854. He induced his father to purchase an estate called Norbiton Park, and successfully raised money on it by copying the title-deeds and pledging the forgeries. He then induced his father to permit him to have access to the title-deeds to the body of his estate, ostensibly for the purpose of satisfying a leaseholder. He had these title-deeds copied and forged the signatures. He returned the forgeries to his father and raised £7,000 on the originals. In September 1856, when his father died, he was in considerable difficulties, and relying on a generous legacy to put him right.

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Serjeant Shee, a master of that curious style, which passed for forensic eloquence in those days, thus described Roupell's actions on the day of his father's death.

'Mrs. Roupell herself was overwhelmed with grief, and declined to go upstairs to the bedroom of her deceased husband, and she gave the keys to William Roupell, her son. He, after a short time, went and examined the strong-box, and afterwards went up to his father's bedroom and opened the escritoire, and there after a short search he found the will of October 1850, with the codicil of August 30th, 1856, the ink upon which was then scarcely dry.

'Gentlemen, there he stood face to face with his dead father, his dead father's will in his hand, and that will informed him that within a very few minutes after he should hear the words 'Ashes to ashes, dust unto dust' pronounced over his father's body, he must stand face to face with his father's executors, the trustees of his father's property, for the benefit of his young brother Richard, then a boy of sixteen at school. Gentlemen, that will was ruin and destruction to him, to his honour and his character — perhaps to his very liberty; it would be infamy to him and his name if once it took effect. Gentlemen, it has been said "Conscience doth make cowards of us all"; but William Roupell was a bold, an able and a determined man, possessed of qualities and abilities which, if they had been devoted to higher objects, might have obtained for

him an honourable reputation, and conscience made no coward of him; for he made up his mind, in face of his dead father, lying dead upon his bed, as to the course that he should pursue. It would not do to destroy the will, for probably there would be a draft of it at the office of the proctors. It must be annulled. It must be allowed to exist, but be destroyed in effect.'

Serjeant Shee went on to detail at somewhat tedious length, how Roupell bought a form of will and filled it up, bequeathing all his father's property to his mother, and appointing himself sole executor. Selecting an old retainer named Mugeridge, who was eighty-five, and whom Nature would soon remove from questionings, he offered him a £5 note to buy mourning with, saying 'give me a receipt'. Thus he had a signature of Mugeridge, which he copied as witness to the will. The other witness's signature was his own.

Obviously, Roupell could not have continued his career of extravagance if Mrs. Roupell had asserted herself. But she was quite unable to control her dazzling son; the elder Mr. Roupell had always kept her most severely 'in her place'; she had no knowledge of his business arrangements or even of the existence of previous wills. 'I do not know, gentlemen, whether the view which I take of this fact', said Serjeant Shee solemnly, 'be consistent with such limited observation as we have in matters of this kind, but I submit to your judgments that a woman who has consorted for many

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years — as many as twelve years — with a man furtively, in secrecy, and in concealment, never enjoy that confidence which is reposed in a wife. There is something in the solemn engagement to take a woman “for better or for worse, in sickness and in health, in riches and in poverty, until death shall us part”, which unites and identifies the man and woman in a way which mere natural affection and such “casual unendeared joys” as an illicit connection can create can never afford. And little can a woman be the friend, in the full sense of the word, of a man who has dallied with her for years as a toy to be broken and replaced at his caprice — as a woman cannot be what a wife is, the glory of a man, so long as she continues to be his shame. Don’t suppose that I am inclined in any way to speak unkindly of Mrs. Roupell. She seems to have been a faithful companion, a true-hearted woman. We all know perfectly well that if women don’t become wives it is not their fault, and, if men under such circumstances were as willing to become husbands as women are to become wives, there would be much less sin and much less misery in the world.’

The appearance of Roupell caused the Guildford case to take on an extraordinary complexion, astonishing to the lawyers present. Here was a case in which the prosecution’s aim was to prove its own chief witness a perjurer and forger. Prosecutor, by means of a man who had greatly injured him, was pursuing a man who had done him no

injury whatever. The chief witness persisted in ascribing to himself conduct which would lead to a life sentence of penal servitude. Finally, the defence was endeavouring to prove the prosecution's chief witness, who now accused himself of astonishing crimes, to be a man of great probity, and except in this case, of entire truthfulness.

The defence put forward the theory that Roupell was lying when he accused himself of these crimes, in the hope of benefiting his brother and securing the return of a fortune which had been legally and properly sold. But Roupell steadily persisted in his story even under the closest cross-examination. He had the exactest recollection, not merely of the forging of the will, but of several previous forgeries and misappropriation of title-deeds and other documents. He even pointed out collateral evidence of forgery, such as the absence of his father's seal on certain documents.

Eventually, despairing of their case, the defence came to an arrangement with the prosecution by which the property was divided between the two parties. The case ended abruptly, and William Roupell was taken up to London under arrest.

Public opinion, which expected further sensational proceedings when he was tried on September 24th, 1862, on charges of forging the will and forging a deed in 1855, was disappointed. He took the more rational course of pleading 'Guilty' so that no evidence was needed or offered. Before passing sentence the judge asked him, in the usual

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form, whether he had any reasons to offer why judgment should not be passed on him. Roupell, grave and unperturbed, made a short speech in his best House of Commons manner: 'My Lord, I am aware that a British judge will do his duty uninfluenced and unbiased by either eloquence or professional skill; my words therefore shall be few and simple.' He observed that he had been misled when young, but blamed no one but himself. He wished to exonerate the professional men whom he had deceived into aiding his forgeries. He stated that he believed when committing his crimes that he was carrying out the desires of his father, but he now saw he was wrong. Before leaving the country he had made a complete confession to his creditors, who declined to believe him, thinking that he had entered into a conspiracy with his brother to recover the estates. He concluded by saying that he stood there a self-convicted criminal, truly repentant, but not appealing for mercy.

The judge, who exhibited far more emotion than the prisoner, stated that the crimes of the ex-member were such that they permitted of no palliation, and he sentenced him to penal servitude for life. The prisoner bowed and smiled slightly.

He was released after fourteen years' service, in 1876. His behaviour throughout his sentence had been correct and exemplary in every way.

RESPECTABLE MR. THOMPSON

CHARLES PEACE and William Palmer dispute the distinction of being the most famous Victorian criminal. The sporting doctor, with his toll of sixteen persons killed, his undiscovered poisons and his extensive harem, is a more startling figure: Peace, with his method and respectability, is far more typically Victorian. His favourite crime of burglary, moreover, is one that is typical, almost an inherent feature, of a capitalist stage of society: while no one could say that wholesale poisoning belongs especially to any age.

With Peace's career we pass finally out of the romantic period of crime into the drabber world of to-day. Previously there was a spice of adventure and a dash of colour in the life of every criminal. In the best days of the highwaymen they dressed in silks and long boots. Some had even a touch of chivalry, and they fought a not unequal struggle with the law. There were open spaces like Hounslow Heath and Blackheath which merchants dared not cross alone. Travellers would assemble, like timid Baghdad traders before crossing the desert, at the inn on the far side and wait till they had gathered sufficient numbers to risk a crossing: and so set off, like a real caravan, shouting and waving lanterns to keep up their spirits. Under Jeffreys and Scroggs, when judge and prisoner called insults at each other, the whole life of the country,

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its political and religious quarrels, forced their way into the Courts. Earlier still, even murder had its dramatic side, and Lord Stourton's ignoble career began cheerfully enough by his besieging his enemy with archers in the Church tower.

But with Peace we pass into our present world of mean, industrial cities. His crimes are laid in little dirty streets, in the suburbs of Manchester, Sheffield or London. His enemies are not a Jeffreys, nor even a Bow Street runner, with his red waist-coat, but the familiar big London policemen, with blue uniform, helmet, and heavy step. He stops no coach on Hounslow Heath, but slinks at night in the rain along paved streets lighted by gas-lamps to break into suburban drawing-rooms. His last desire would be 'a short life and a gay one': a long and comfortable life is his ideal – respectable, well-organized and reliable. The problems he had to face were, essentially, the difficulties that a modern London burglar has still to face. He has been called the 'Master Criminal' and 'Burglar King', and other extravagant names. He did not deserve them: what he did was to solve correctly, over a period of years, the problem of existing respectably by burglary. This he did – the device appears absurdly simple – by leading two lives. The police could cope with the criminal who had 'no visible means of subsistence' and they knew where to find him. But they could not lay their hands on a burglar who was entirely unconnected with the usual haunts and was in fact all the time quite another person.

Charles Peace, son of a shoemaker, was born in Sheffield in May 1832. His entry into the profession of burglary was made in 1853 as a 'portico-robber'. A portico-robber is a thief who climbs up the stucco porch provided to most of the better-class houses built in this period, and enters from it into the window above. His first attempts were blundering and landed him in prison. Both in Sheffield and in Manchester (Rusholme) he made several attempts, always eventually landing in the hands of the police. He began to realize that his methods were wrong, and to change them. For a while the police were altogether unable to catch him. An affray called the Whalley Range murder in 1876 might have suggested his handiwork, but closer investigation proved that this was not so. A suspicious figure was seen approaching a house in Whalley Range, Manchester, at night, and a constable named Cock followed him into the grounds. The man fired and warned him to go: Cock advanced instead and was shot dead. It was found, however, that a very rough set of Irishmen, the Habrons, had a personal vendetta against Cock. Furthermore, that William Habron had said that he would get Cock 'shunted' and that he wouldn't be the first policeman he had done in; and that William Habron had inquired for cartridges a day or so before: and that he resembled Cock's murderer in gait. Police evidence secured a conviction and Habron was sentenced to death, afterwards respited to lifelong imprisonment.

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Peace himself appeared soon, in the Banner Cross affair. A friend of his, Mr. Arthur Dyson, had moved to this Sheffield suburb because he resented the attentions that Peace was paying to his wife. In November 1876, Peace followed them to Sheffield and entered the backyard. There was a 'scene' between the two men, and whether in self-defence or not, Peace shot Dyson, and had to disappear as quickly as he could.

He disappeared absolutely – indeed, he was so sure of his power of hiding that he played with the police. He was only five feet two and a half inches high, and strikingly ugly – a notable figure, yet they could not catch him. This was partly due to his disguises, but more to his extraordinary power of changing the look of his face. He travelled a whole railway journey once, we are told, chatting with a sergeant who did not recognize him. He once read aloud to a policeman a bill offering £100 reward for Charles Peace, and on another occasion actually visited Scotland Yard dressed as a clergyman, to complain of the attentions of Charles Peace. The police could not lay hands on him. So far as they were concerned he might have vanished off the face of the earth. They decided that he must have gone to the Continent, and heard no more of him.

* * *

Mr. John Thompson, of 5, Evelina Road, Peckham, was an elderly gentleman of refined tastes, much respected by the neighbourhood. He was an

unusually able performer upon the violin, and he had a remarkable collection of those instruments. Some of his specimens were extremely valuable. In his dining-room, 'luxuriously furnished in red plush', there stood a harmonium: in another room a piano. The decorations, especially the china ornaments, were held by his neighbours to be in the most exquisite taste, and were without doubt very expensive. Mr. Thompson also painted and sketched: in the opinion of Mr. Frith, the R.A., his works 'showed the true feeling of an artist.'

He was an eccentric little gentleman, witty, and the soul of a party. He wore a skull-cap and other clothes of a middle-aged man of independent means. He could play a violin with one string in a most amusing manner, and his conversation was exciting and vivid. We are told there was such a funny story he would tell, of how he met Marwood, the famous executioner, on a train journey once, and they talked all the way about a hangman's gruesome experiences, and Mr. Thompson in leaving him said, 'Well, if ever you have to do the job for me, mind you grease the rope properly!' But he was always one for a joke like that. Why, one day he went into the chemist's shop near Evelina Road, and the young man in the shop said 'That's a nice cigar you've got, Mr. Thompson, where did you get it?' and Mr. Thompson said, 'Oh, I stole it', and of course the young man laughed like anything and said, 'Well, I wish you'd steal me some like that', and Mr. Thompson

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laughed too and said he would, and sure enough a few days later he stepped into the shop and said, 'Here, I've stolen some cigars for you'! and hands the young man a box of excellent cigars, and wouldn't take anything for them either.

His pony and trap were well-known in the district. He was generally liked, and though there were some who said that Mrs. Thompson sometimes took a drop too much, no one ever saw Mr. Thompson take more than his single glass, though always willing and more than willing to stand drinks round. Few children that he knew passed him in the street without receiving sixpence and a pat on the head. Besides his horse, he kept an extraordinary collection of parrots, cats, dogs and rabbits, which he treated with the utmost care and affection.

Mr. Thompson was also distinguished as an inventor, which explained the noises in his house at all hours of the night and the secrecy in which he involved certain of his doings. He had designed a memorial to himself, executed in the spirit of the Prince Consort, and bearing a striking resemblance to the Albert Memorial. Together with a neighbour, Mr. Henry Brion, he had patented (the entry is in the 'Gazette', no. 2635) a device 'for raising sunken vessels by the displacement of water with them by air or gases.' He visited Mr. Samuel Plimsoll, the famous M.P., in the House, in an effort to interest him in it. He also had invented a device for supplying firemen and others 'with pure air when buildings are on fire.' He had

an 'improved brush for washing railway carriages, etc.', and a 'hydraulic tank for the supply of water'. It was fortunate, indeed, that he did not depend on these for his income, since they met with hard and reactionary incredulity. Happily, however, he was a man of independent means.

Actually – and the refined people of Peckham became almost hysterical when accident disclosed it – Mr. Thompson was Charles Peace. His independent sources of income were the systematic burglaries all over England which were defying and infuriating the police. From Evelina Road, and earlier from Greenwich, he 'worked' not only London but a portion of the provinces, and secured a steady income. Here is his own record of a portion of his activities.

'I booked from Nottingham to Sheffield but got out of the train at Heeley station and walked past the police-station at Highfields – Inspector Bradbury stood at the police-station door – at about 7 o'clock at night. I passed close by him and he did not know me then.

'I went right away up to Sharrow and crossed over quite close to Banner Cross and down into Eccleshall Road, turned down towards Sheffield and crossed through Broomhall Park into Havelock Square. I that night did a house over at the corner of Havelock Square. The watchman on the beat fancied he heard something in the house. But I saw him stop the sergeant when he came his round, and I got away backwards.

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'I went to Heeley Railway Station and from Heeley to Nottingham. At Nottingham I done a big tailor and drapery establishment for a lot of overcoats and cloth. I think it is in Castlegate.

'I then done a very big mantle place in Derby for a number of women's mantles and money. It was the Burton Road end. I then went back to Nottingham and done a great many gentlemen's houses. I then went to Melton Mowbray to a lord's house and brought away a great quantity of valuable jewels and plate.'

'I then went back to Nottingham . . . I did a large silk robbery in the market-place, next to the new post office.'

Mr. Thompson, it is not surprising to learn, was very delicate; and for that reason, when he was in London, his wife never allowed him to get up before twelve, because he needed rest so badly. Also, the doctor had ordered him, he said, to take drives late at night, in the hope that the fresh air would bring him sleep.

One day, Mr. Thompson did not return. He had gone abroad, said Mrs. Thompson.

* * *

The end had come, and he had been caught in a most banal and easy manner. Sergeant Tate, who arrested him, tells this story:

'At the end of 1878 I was a policeman at Blackheath, and was on duty with a comrade named Robinson. At that period we were working in pairs, because a good many burglaries had been

committed and there was no clue to the burglar, and one of the two men was armed with a loaded revolver. On this particular night it was Robinson who had the revolver. I had my truncheon.

'We were on Blackheath, and it was getting very late. Midnight came and went, and at about twelve-fifteen, we came across a respectable-looking man who was sitting on one of the seats.

'Recent events had made us very suspicious, and I eyed the man carefully. Then I said: "Hallo! What are you doing here?"

'Quite coolly the man replied: "I don't know what business it is of yours, governor; but if you want to know, I'm looking at the lights o' London!"

'I got rather angry – partly because of the tone of the man, and partly because I thought it was such a poor excuse to offer, so I answered: "Don't talk rubbish about the lights of London. Get up and go away."

'The man rose, muttering, and walked off, and Robinson and I resumed our beats, carefully examining the houses, especially those which were empty and were in charge of the police.

'It was our custom to take particular measures to give us warning if any burglary had been committed; and in one case, that of a semi-detached house, we had fastened cotton across the doors and windows – a thin line which could not be seen in the darkness and would be easily broken. When that line was not to be seen or felt we knew that some one was up to mischief.

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‘It was pretty well after midnight when we examined the house and saw at once that the line was missing, showing that something was wrong.

‘I felt excited all at once, and the two of us stalked the house as carefully as we could, for we never knew what might be in store. We looked around the front of the house, but there was nothing to be seen. Most fortunately we did not make a noise or show a lantern, or neither of us would have been living – I am sure of that.

‘The door was open, and it was easy to enter the house, but there was obviously a heavy risk to be run.

‘We stood in the open doorway for a few seconds, and I took in a queer scene.

‘There was the burglar carefully and quietly examining jewellery and other articles by the light of his bull’s-eye lantern, acting just as a respectable business man would act who was valuing articles he meant to buy. That was the look of the man – and he was calculating, too; but he did not mean to pay anything for what he was getting. There he was, a littlish man, absorbed in his task, which was a merciful thing for us, because on the dressing-table near him and within easy reach was an ugly brute of a revolver.

‘Robinson had his revolver out, and holding this in his right hand, he rushed into the room, calling on the burglar to surrender.

‘Like a flash the man was on his guard, and his hand made a snatch at the revolver on the dressing-table.

'I don't quite know how it all happened, but I rushed past Robinson and flew at the burglar like a bird, and struck him a blow with my truncheon, telling him that it would be useless to resist, as we had plenty of help outside.

'As he seemed likely to be troublesome, I gave him another tap with the truncheon; then we got the handcuffs on him and took him, without any trouble, to Blackheath Road Police Station, which is, I believe, still standing.

'When we got our burglar to the station we carefully searched him, and though we did not just then know who he was, we knew that we had caught a very uncommon criminal, for he had a belt round his body which was filled with cartridges, and another belt which was entirely lined with skeleton keys, so that he could open any door, and he had the revolver which we saw lying on the dressing-table, and which we took very good care to secure. It was fully loaded, so that the man was thoroughly well equipped for the risky game he was playing.

'When the prisoner had been charged in the usual way he was asked for his name, and he promptly answered that it was Reynolds.

'I said: "You're the man I saw on a seat at twelve-fifteen this morning, and you told us you were looking at the lights of London."'

Sergeant Tate's memory failed him on one point. The name Peace gave was John Ward, and as he had coloured his face he was taken for a half-caste.

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For some days they could not find who he was. Indeed, it is likely that they would never have discovered it but for a mistake made by Peace. He became desperately anxious to get a message to his home and got permission to write to Henry Brion. This gave the police the first clue: John Ward was Mr. Thompson.

Soon after this fact had been secured, and they had made certain inquiries, the police called at 5, Evelina Road again. It was empty. Mrs. Thompson and the other inhabitants had fled north. The police were able to trace them and they found that Mr. Thompson had two 'wives', Sue Thompson, who passed as Mrs. Thompson, and Hannah, who passed as part of the household staff.

Hannah was a loyal partner, but Sue was a brazen sot, who would do anything for money. The police had begun to guess the truth already, but she turned surmise into certainty.

The half-caste in London, whose colour was already paling curiously, was the 'master criminal' himself. The police had at last got their hands on their ablest enemy. John Ward was Mr. Thompson, and Mr. Thompson was Charles Peace.

Now that he was caught and discovered, a howl of rage went up from the Press. Even before trial the most fanciful and outrageous exploits were attributed to him. But the intention was not favourable or laudatory: far from it. In the days of Sheppard the feeling of London was almost

entirely with the prisoner. Now it had changed round and the great British public clamoured for Peace's blood like a Roman riff-raff – only another sign of the new 'respect for the law' which Victorian capitalism was inculcating.

Among the stories of his exploits which then came to light are two worth recording. One is of his visit to a Sheffield jeweller, disguised as a representative of a London firm travelling in electric alarms, a very new device. He so impressed the senior partner that they went together round the establishment inspecting the devices to stop burglars and noting the places suitable for fresh alarms. Peace booked an order for six electric alarms, and returned the same night. After the careful demonstration of the defences by the senior partner it was easy for him to rifle the shop of its most valuable specimens, while the jewellers did not realize what had happened until they had heard from the London firm that it was no agent.

Detective-Sergeant Parrock of the Sheffield police was responsible for this anecdote:

'By a curious twist of his elastic mouth Peace would bring his jaws into a peculiar form, incidentally disclosing a very full and perfect set of teeth. Then, lying back in his seat, he would bring out a succession of distinct and harmonious notes by striking his teeth with the fingers of either hand. In this strange manner I have heard him play such difficult selections as those from "Il Trovatore" and "Faust" through from beginning to

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end, and never once could I detect a mistake or false note.'

Evelina Road was horrified. Brion perhaps behaved the worst. He pestered the prison governor with suggestions to make Peace's confinement more secure. He claimed that Peace had stolen all his inventions from him, Brion. He worried Peace in his cell till he signed a note handing over to Brion all his rights in the inventions – which, it is pleasing to note, brought him no profit.

Peace was tried at the Old Bailey for burglary. There were enough charges out against him to accommodate six men with life sentences. His burglar's outfit alone would have been enough to convict him. Apart from the usual jemmy, dark lantern, skeleton keys, etc., he possessed the remarkable devices of a false arm and a scissors ladder. The ladder folded up small, upon the principle of the toy called a 'scissors man', and could be carried inside the coat. When unfolded, it would enable him to reach any ordinary first floor, and could be drawn up after him. The false arm ended in a hook. Peace had lost some fingers of his left hand – a dangerous identification mark – and so wore this arm inside his coatsleeve. He let it down when necessary, withdrawing his arm into his sleeve, and so became, when burgling, a one-armed man.

He was sentenced to life imprisonment. Then he was sent off to Leeds to stand his trial for the murder of Mr. Dyson. The Press was demanding

severity and he seemed depressed at his unpopularity.

The building was packed for his trial. There were crowds outside in the street. The Court had been sitting a short while awaiting his arrival, and the Judge was growing impatient, when the Chief Constable stepped into the box, considerably out of countenance, and slightly incoherent. 'The Court had better adjourn — that is, my lord — I mean — Peace has escaped.' The shock was terrific, and it was found wise for the Chief Constable to announce the fact also to the crowd from the window. Scarcely had the answering roar of rage arisen when another telegram was thrust into his hand. He signalled for silence: 'Peace has been recaptured!'

What had happened was this. Peace was closely guarded in the train and not even allowed to 'stretch his legs' on the platforms on the way up. He besought his two warders at least to open the window so that he might have air. They consented, and when the train was racing past Darnall, the scene of his first adventures, Peace, manacled as he was, made a flying leap through the window. A warder just seized him by the left boot: there was a brief struggle, in which the boot gave way. Peace was flung on to the line.

He had little hope of an escape: indeed, he himself stated that he had hoped to be cut to pieces by the wheels. In his coat was a message 'Bury me at Darnall: God bless you. Charles Peace.' But he

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survived, though too badly injured to escape. When the warders came back for him they found him lying wounded on the line.

When he was well enough to stand his trial, there was little dramatic about it. His counsel, Frank Lockwood, Q.C., was a master of all the forensic art, but there was little room for his devices. The facts of the Dyson tragedy were not in dispute. The only question could be: Did Peace when he shot Dyson, do so in error, intending to shoot wide? The jury said, No; and most people agreed with them. Whether they were right or not, no one but Peace could have told.

In the short period before his death, Peace attempted to right certain wrongs. He made a fairly full record of his exploits, and in particular, confessed that he was guilty of the Whalley Range crime. He had, he said, been actually in court when Habron was condemned, but he could do nothing without putting his own neck in the noose. Habron was soon after released and compensated.

In February 1879, Charles Peace went firmly to the scaffold. 'Professionally speaking', said Marwood, the executioner, later, 'he was one of the best subjects I ever handled.' Peace showed no fear, 'though', he said, 'I could have done with a glass of water.' He ascended without faltering and stood without trembling as they fastened on the hood. His agony was short and he died quickly, for Marwood, as requested many years ago, had 'greased the rope'.

Appendix

THE CITY MARSHAL'S LIST OF FLASH WORDS, and JOHN HALL'S INTERPRETATION OF THE SEVERAL QUALITIES OF ROGUES

IN the eighteenth century the community of thieves spoke a language of their own. Many of the words that they used are obviously onomatopœic. Some of them are of gipsy origin, some of French. It is very probable that some of them, whose origin appears to be unknown, will be found to be Irish, as a high percentage of the criminal population consisted of Irish driven off the land. This language, which certainly continued in use in the nineteenth century, has been the subject of many dictionaries — in 1690 a *Dictionary of the Canting Crew*, Grose's important lexicon, Pierce Egan's revision in 1823, and Henley and Farmer's astonishing volumes at the beginning of this century. We give below one of the earliest of these word-lists, compiled by Charles Hitchin, the City Marshal, in 1718. It is entitled: *An Account of all the Flash Words now in vogue among the thieves, etc.*

The Rumbo, or The Whit	Newgate
The Spinning Ken	Bridewell
Old Nass	London Bridewell
A Ken	A House
A Boozing Ken	An Alehouse
A Case or A Flash Ken	A House frequented by Thieves

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Autum	A Church
The Mount	London Bridge
The Nubbing Cheat	The Gallows
A Jigger	A Door
The Dancers	The Stairs
The Glaze	The Window
The Quod Cull	The Turnkey
A Buzz or a Prig	A Thief
A Cove or A Cull	A man. Cull is likewise frequently used to signify a fool
The Baggage Man	He that Carries off the Booty
A Fence or A Lock	A Receiver of Stolen Goods
A Mill Ken	A Housebreaker
A File	A Pickpocket
A Flash Cull	One that keeps Company with Thieves
A Bridle Cull	A Highwayman
A Lift	A Shoplifter. One that steals Goods in a Shop under Pretence of buying them
A Shop Sneak	One that watches an Opportunity to get into a Shop unseen and steal the Goods
The Morning Sneak	To walk betimes about the Streets in the Morning, and if you see any Body come out of Doors, you then step in and take what you can find

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The Running Smabble	To run into a Shop at Night, blow out the Candle and snatch up any Thing you can carry off
The Foot Scamperer	A Foot Pad
The Waggon Lay	Stealing Goods out of Wag- gons at an Inn or on the Road
The Rattling Lay	Stealing Goods out of Coaches as they pass along the Streets
The Service Lay	Hiring themselves for Ser- vants in order to rob the House
The Question Lay	To knock at a Door early in the Morning and ask for the Master of the House, and if he's abed to desire the Servant not to disturb him, for you'll wait till he rises, and so you take an Opportunity of stealing something
The Kid Lay	Is when you see a Boy or a Porter with a Bundle, to desire him to go on an Errand for you, telling him you'll take Care of his goods the while; but as soon as he's out of Sight, you make off with the Booty

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The Dub Lay	Picking Pockets
To go upon the Top	Is when two Prigs are together, one gets upon the other's shoulders and so enters a Chamber-window
A Tail-Drawer	He that steals a Man's sword from his side
A Queer Cull	One that puts off bad Money
A Cruiser	A Beggar
A Lappy Cull	A Drunken Man
An Old Gager	A Rich old Man
A Bulk or a Gammon	He that jostles a Man while another picks his Pocket
A Scout Cull	A Watchman
A Harman	A Constable
To Bundle the Cull of the Ken	To tie the Man of the House neck and heels
To Slum the Ken	To break the House
To Strike the Gigg	To unlock the Door
To Lope the Dancers	To Go upstairs
To Lope off	To Run away
The Cull is peery	The man is sly
The Cull comes down	He puts his Hand in his Pocket
The Cull giggs	The Man looks
A Buttock	A Street walker
A Buttock and File	A Pickpocket Whore
A Twang	A Bully
A Trap	He that after a Buttock and File has bit a cull of his

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	Pocket Book, makes it his business to find out where the Man lives and extort Money from him to pre- vent his being exposed
To Pay-back	To return Stolen Goods
A Push	A Crowd of People
A Pushing 'Tout	A 'Thieves' Watchman or Scout; one that carries Intelligence of a Push
A Bowman Prig	A bold or dext'rous thief, a sure Rogue
All's Bowman	All is safe
To Speak	To steal
To Fisk	To search
To Whiddle	To make a Noise, confess or impeach
To Shove the Tumbler	To be whipp'd at the Cart's Tail
To be Topp'd or Scragg'd	To be Hang'd
Darbies	Fetters
A Dub or Tilt	A Pick-lock Key
A Glim	A Candle
A Glimstick	A Candlestick or Dark Lan- tern
A Bess or Betty	A small Iron Crow
Pops	Pistols
A Pad	A Bed
Dudds	Linnen
A Mish	A Shirt

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Stock Drawers	Stockings
Stampers	Shoes
A Poll or A Catsing	A Wig
A Shap	A Hat
A Tye	A Neckcloth
Famstrings	Gloves
A Clank	A Tankard
A Beaker	A Silver Tankard
Feeders	Spoons
A Mause	A Bundle
A Wipe or A Clout	A Hankercher
A Lobb	A Snuff-box or any other Box
A Bit or A Truff	A Purse
A Reader	A Pocketbook
A Tail	A Sword
A Chive	A Knife
A Loge	A Watch
A Toge	A Coat
A Peter	A Trunk or Portmanteau
A Jacob	A Ladder
A Rum Fan	A Gold Ring
A Tumbler	A Cart or Waggon
A Rattler	A Coach
A Bouser	A Dog
A Finner	A Funeral
Ridge	Gold
Wedge	Silver
The Tattler is up	The Moon shines
Bon'd, or blabbed, or shaffled	Taken
The Munge	The Dark

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John Hall's *Interpretation* is more than a mere word list. It is a classification of thieves. It was compiled by John Hall, the sweep and burglar, while under sentence of death in 1707, and sold to a publisher, to get money to enjoy his last days. It is contained in *Memoirs of the Right Villainous John Hall, the late Famous and Notorious Robber*, London, 1714, and is called *An Interpretation of the Several Qualities of Rogues*. A word list is also given, presenting few features of interest, which I do not reprint. Here is the *Interpretation*:

Hoisters, such as help one another upon their Backs in the Night-time to get into Windows.

Sneakers, such as Sneak into a House by Night or Day to Steal.

Sneaking-Budgers, such as pilfer Things off a Stall.

Tail-Drawers, such as take Gentlemen's Swords from their sides at the turning of a Corner or in a Crowd.

Clouters, such as take Handkerchiefs out of Folks' Pockets.

Files, such as dive into Folks' Pockets for Money or Watches.

Dubbers, such as rob Dwelling-houses, Warehouses, Coach-houses, or Stables, by picking the Locks thereof.

Chieving-Layers, such as cut the Leathers which bear up Coaches behind, and whilst the Coachmen come off their Boxes to see what's the Matter, they take a Box or Trunk from under his Seat.

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Waggon-Layers, such as wait just out of Town for Waggons coming in or going out of Town in a Dark Morning, to take Boxes, or any Portable Bundles; out of them.

Prad Layers, such as cut Bags from behind Horses as People ride along in the Dark.

Horse-Pads, such as rob in the Highway on horse-back.

Foot-Pads, such as rob Foot Passengers.

Mill Layers, such as break into Houses by forcing Doors or Shutters open with Betties or Chizels.

Till Divers, such as go into Shops with Pretence to buy something, and with several Excuses of feeling this Thing and that Thing, to make the Shopkeeper turn his Back often, they put a small Whalebone daubed at the End with Birdlime, into the Till of the Counter, and draw up the Money; but this Employment is now grown something out of Date.

Running Smoblers, such as go into a Shop in the Night, where People are busie in the Back-room or elsewhere, and snatching something that's nearest them, they run away with it.

Fam Layers, such as go into Goldsmiths' Shops, with pretence to buy a Ring, and several being laid upon the Counter; they Palm One or Two by means of a little Ale held in a Spoon over the Fire, with which the Palm being daubed, any Light thing sticks to it.

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Faggot and Stall, such as break into People's Houses, and taking away what they please, gag all therein.

Impudent Stealers, such as cut out the Backs of Coaches and take Things out of them.

Sweetners, such as drop Money before People, and taking out of Sight, inveigle a Man (after a hot Dispute with some of their Accomplices; who earnestly claim halves of what they find) into a Tavern they use, where they draw him into *Cards, Dice, or Buckle and Thong*, which they planted in some visible Place and win all his Money: These sort of Vermine likewise go about the Countrey to cheat People of their Money by the *Legerdemain* slight of *Cups and Ball*, and *Luck in a Bag*; this is a Function too which has not flourished since the late Act for Vagabonds.

Night Gamesters, such as rob Parks a Nights for *Venison*, which proves to be *Dear* if they are taken.

But of all these, Housebreakers under three Denominations, *viz. Hoister, Dubber and Mill-layer*, is the most Famous and Heroick Employment of 'em all, and in one Time exceeds that of the Highway.

Some are ingenious at the *Lob*, which is going into a Shop to have a Guinea or a Pistole changed, and the Change being given, the Bringer Palms Two of Three Shillings and then says there wants so much, which the Shopkeeper telling over again

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says, 'tis true, and very innocently makes up the Sum.

As for the Female Proficients, they consist chiefly in these:

Shoplifting, which almost every Body understands.

Buttock and Twang, which is walking to be picked up, and frightening him that does it with her pretended Husband, after she has picked his Pocket, so that the Fool runs gladly away without his Watch or Money.

Buttock and File, which is the same with the other; only this is the better-natur'd Beast of the Two, and performs her Stage before she takes her Wages, which may be some Satisfaction to the Ass she carries.

There are also *Setters* of both Sexes who make it their business to go about upon Information, to pry into the Disposition and Avenues of Houses, and bring notice of the Booty, of which they have a share when the Robbery is performed, and are generally used as Scouts in Time of Action.

John Hall enjoyed some fame at his death. Two elegies were written on him, of which one begins:

At last thy roguish reign is ended,
And thou deservedly suspended;
Where art thou now? Thou reprobate,
Who jested'st at a future state,
And said the place the Devils kept
Was sooty, wanted to be swept.

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- THISTLEWOOD. *High Treason!! The Trials at Large of Arthur Thistlewood, James Watson the Elder, Thomas Preston and John Hooper*, 1817, for the 1817 trial; and *The Trials of Arthur Thistlewood, James Ings, John Thomas Brunt, Richard Tidd, William Davidson and others for High Treason taken in shorthand by W. B. Gurney*, 1820, 2 vols. I am indebted to Mr. and Mrs. Hammond for putting me on to the correct references in the Public Record Office. In view of the entire inadequacy of the catalogue there I will depart from my usual

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practice and give a full analysis of the important documents. The papers are of political as well as legal importance:

H.O. 79/4. *Private and Secret Letterbook*, 27/5/20. Hobhouse to Fletcher of Bolton: 'Thistlewood's mantle has fallen on Men who are willing to follow his example'.

H.O. 44/4. (33) W—, giving information to Stafford of Bow Street. (67*a*) Davidson was penniless and begging: has a wife and six children. Mendicity Society report. (81) Edwards: minutes of meeting on Feb. 21. (84) Ditto, Feb. 13, 14, 15. Bloodthirsty remarks ascribed to members. (85)–(92) *inclusive*, Castles' statements in the 1817 case, continually revised and rehashed. Marked 'Most Secret.' (96) Evidence of a police spy who was once secretary. Endorsed 'Banks'.

H.O. 44/5. (1) George Edwards' deposition. 275 foolscap pages. He says the Provisional Government was to consist of John Gale Jones, John Gast, Dr. Watson, senr., and Thistlewood. Hunt, Cobbett and Wooler were to be removed. (9) Evidence of B., another agent. (41) N. Hickman accepted as informer. (43) *and elsewhere*, evidence of Thistlewood's bastardy. (61) I. S., another spy, reporting. (66) Depositions of Tunbridge, Dickard, Chambers and Barker, referred to in my account, showing Edwards' activity. (94) Letter from the Editor of the

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New Times. (105) Unsigned spy's report after the execution. Woods has gone to France after Edwards. (110) Edwards' notes for his own cross-examination and the examination of Bowden, and the answers the latter should give.

H.O. 44/6. (1a) Information given by Abel Hall, on Mrs. Thistlewood's committee. He has become suspect owing to Maule, Treasury solicitor, carrying his evidence too openly. (2) Brunt's Poems in Prison. (4) Orders to 100 foot guards and all the Lifeguards to be ready to march on execution day. (8) Letter demanding compensation from T. Hazard, schoolmaster and radical, ruined by a charge for high treason that was dropped. (10) Alderman Woods: Though a magistrate with power to visit prisoners, he has been forbidden access to the prisoners to inquire about Edwards. (13a) and (64) Depositions by Adams to defend Edwards against evidence given by Pickard to Woods. (26) Edwards ('Parker') writes from Guernsey to Hobhouse of the Home Office. Has received £20 and would like more. (36) Adams, from a cold climate, writes for more clothes and money to the same. (54) and (55) Reports by Abel Hall in deposition form. He is a sailor and works in the Marylebone (Reformers') Union. (58) More Hall. He has provided evidence for a fresh charge against

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Wilson, Harrison and others. (67) Edwards, letter quoted in text. (70) A—s (Adams), letter quoted in text. (81) Edwards to Hobhouse. Thanks for sending wife over. He is in Guernsey temporarily till re-employed. (97) do. to do. Hysterical: fears death. (100) Edwards, asking to see Thistlewood before his death. (103) Edwards: A Mr. Ivory has told him that another man on the island is 'Edwards the Government spy'. (108) Light Horse Volunteers: were under arms on execution day since 7 in the morning. (110) Edwards, hysterical letter. Asks to go to East Indies or preferably Capetown, before he is traced. (116) Wives' petition for the bodies. (122) Indictment against Edwards for high treason. 'Sworn in Court a True Bill.' (138) A list of those captured and warrants out, also — 'Test' (witnesses) 'Bankes. Walker of Manchester'. (144) Dwyer to Sidmouth, letter quoted in text.

The poem quoted at the head of the chapter is from the Hammonds' *Skilled Labourer*.

THURTELL. E. R. Watson: *Trial of Thurtell and Hunt*, 1920, with the authorities quoted therein. See particularly Pierce Egan: *Pierce Egan's account of the Trial of John Thurtell and Joseph Hunt*, 1824, with the separate Appendix, *Pierce Egan's Recollections of John Thurtell*, 1824. G. H. Jones: *The Murder of the late Mr. William Weare of Lyons' Inn*,

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1824. Herbert's account of the trial in the 1824 *London Magazine* I only knew through Mr. Watson's summary

FROST. *The Trial of John Frost for High Treason under a Special Commission of Oyer and Terminer, taken in shorthand by J. and T. Gurney*, 1839

ROUPELL. *Celebrated Crimes and Criminals*, by W. M., 1890. *The Times*, Aug.—Sept., 1862

CHARLES PEACE. The main sources are contemporary newspapers. There has gathered round Peace's name a mass of legend and half-legend that makes the historian's path very difficult. I hope I have fallen into no traps. Peace's own statements, I think, are generally reliable: the Press and police accounts are very mixed in character. The fullest account is in an anonymous grubby book called *The Master Criminal, the Life Story of Charles Peace*, London 1910 (Brit. Museum number: 6057 aaaa 31), but whether all set down there can be believed is another question. Sergeant Tate, who arrested him, tells his story in W. Wood's *Survivors' Tales of Famous Crimes*, London, 1916

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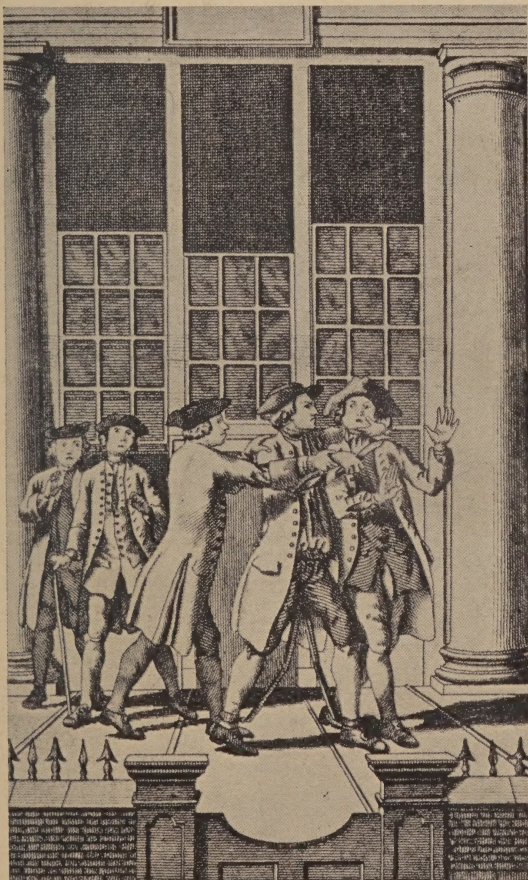
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*Joseph Blake, alias Blueskin, attempting to
cut the Throat of Jonathan Wild.*

R. W. Postgate

